Roq

History of British India
By
Roberts

(P.E.)

Roberts P. E?

HISTORY

OF

BRITISH INDIA.

BOOK I.

1527—1707.

Commencement of the British Intercourse with India; and the Circumstances of its Progress, till the Establishment of the Company on a durable Basis by the Act of the Sixth of Queen Anne.

TWO centuries have elapsed, since a few British merchants humbly solicited permission of the Indian princes to traffic in their dominions.

The British power at present embraces nearly the whole of that vast region, which extends from Cape Comorin to the mountains of Tibet, and from the mouths of the Brahmapootra to the Indus.

In the present undertaking, it is proposed, to collect, from its numerous and scattered sources, the information necessary to convey correct and adequate ideas of this empire, and of the transactions through which it has been acquired; and for that purpose,

BOOK I.

I. To describe the circumstances in which the intercourse of the British nation with India commenced, and the particulars of its early progress, till the era when it could first be regarded as placed on a firm and durable basis:

II. To exhibit as accurate a view as possible of the character, the history, the manners, religion, arts, literature, and laws of the extraordinary people with whom this intercourse had begun; as well as of the physical circumstances, the climate, the soil, and productions, of the country in which they were placed:

III. To deduce to the present times a history of that part of the British transactions, which have had an immediate relation to India; recording the train of events; unfolding the constitution of that Body, half political, half commercial, through which the business has been ostensibly performed; describing the nature, the progress, and effects of its commercial operations; exhibiting the legislative proceedings, the discussions and speculations, to which the connection of Great Britain with India has given birth; analysing the schemes of government which she has adopted for her Indian dominions; and attempting to discover the character and tendency of that species of relation to one another in which the mother country and her eastern dependencies are placed.

The subject forms an entire, and highly interesting, portion of the British History; and it is hardly possible that the matter should have been brought together, for the first time, without being instructive, how unskilfully soever the task may have been performed. If the success corresponded with the wishes of the author, he would throw light upon a state of society, curious, and commonly misunderstood; upon the history of society, which in the compass of his work presents itself in almost all its stages and all its

shapes; upon the principles of legislation, in which he has so many important experiments to describe; and upon interests of his country, of which, to a great degree, his countrymen have remained in ignorance, while prejudice usurped the prerogatives of understanding.

CHAP. I.

From the Commencement of the Efforts to begin a Trade with India, till the Change of the Company from a regulated to a joint-stock Company.

THE Portuguese had formed important establishments in India, before the British offered themselves as competitors for the riches of the East.

From the time when Vasco de Gama distinguished his nation by discovering the passage round the Cape of Good Hope, a whole century had elapsed, during which, without a rival, the Portuguese had enjoyed, and abused, the advantages of superior knowledge and art, amid a feeble and half-civilized people. They had explored the Indian ocean, as far as Japan; had discovered its islands, rich with some of the favourite productions of nature; had achieved the most brilliant conquests; and by their commerce poured into Europe, in unexampled profusion, those commodities of the East, on which the nations at that time set an extraordinary value.

The circumstances of this splendid fortune had violently attracted the attention of Europe. The commerce of India, even when confined to those narrow limits which a carriage by land had prescribed, was

BOOK I. CHAP. 1.

supposed to have elevated feeble states into great ones; and to have constituted an enviable part in the fortune even of the most opulent and powerful; to have contributed largely to support the Grecian monarchies both in Syria and Egypt; to have retarded the downfall of Constantinople; and to have raised the small and obscure republic of Venice to the rank and influence of the most potent kingdoms. The discovery therefore of a new channel for this opulent traffic, and the happy experience of the Portuguese, inflamed the cupidity of all the maritime nations of Europe, and set before them the most tempting prospects.

An active spirit of commerce had already begun to display itself in England. The nation had happily obtained its full share of the improvement which had dawned in Europe; and the tranquil and economical reign of Elizabeth had been favourable both to the accumulation of capital, and to those projects of private emolument on which the spirit of commerce depends. A brisk trade, and of considerable extent, had been carried on during the greater part of the sixteenth century with the Netherlands, at that time the most improved and commercial part of Europe. The merchants of Bristol had opened a traffic with the Canary Islands; those of Plymouth with the coasts of Guinea and Brazil: the English now fished on the banks of Newfoundland; and explored the sea of Spitzbergen, for the sovereign of the waters: they engrossed, by an exclusive privilege, the commerce of Russia: they took an active part in the trade of the Mediterranean: the company of merchant-adventurers pushed so vigorously the traffic with Germany and the central parts of Europe, as highly to excite the jealousy of the Hanse Towns: and the protestant inhabitants of the Netherlands and

BOOK I. CHAP 1. 1527.

France, flying from the persecutions of their own oppressive and bigoted governments, augmented the commercial resources of England by the capital and skill of a large importation of the most ingenious and industrious people in Europe.[1]

In these circumstances, the lustre of the Portuguese transactions in the East peculiarly attracted the admiration of the English. Already a most adventurous spirit of navigation was roused in the nation. The English were the first who had imitated the example of the Spaniards in visiting the New World. In 1497, Cabot, with a small squadron, explored the coast of America, from Labrador to Virginia, and discovered the islands of Newfoundland and St. John.[2] An English merchant, named Robert Thorne, who had been stationed for many years at Seville in Spain, and had acquired particular knowledge of the intercourse which the Portuguese had opened with the East, presented a project to Henry VIII. about the year 1527, the accomplishment of which he imagined would place his countrymen in a situation no less enviable than that of the Portuguese. As that nation had obtained a passage to India by a course to the south-east, and pretended a right, which they defended by force, to its exclusive occupation, he supposed that his countrymen might reach the same part of the globe by sailing to the north-west, and thus obtain a passage at once expeditious and undisputed.[3] What effect this representation

[1] Anderson's History of Commerce in the reign of Elizabeth, passim. See also Hakluyt's Voyages, ii. 3, 96. Ibid. iii. 690. Guicciardini's Description of the Netherlands. Sir William Temple. Camden, 408.

[2] Hakluyt, iii. 4. Rymer's Fœdera, xii. 595. Anderson's History of Commerce, published in Macpherson's Annals, ii. 11. Robertson's History of America, iv. 138.

[3] Hakluyt, iii. 129. Harris's Collection of Voyages, i. 874.

BOOK I. CHAP. 1. 1527.

produced on the mind of Henry is not accurately known. But two voyages in the course of his reign were undertaken for the discovery of a north-west passage, one about this period,[1] and another ten years later.[2]

Nothing can more clearly prove to us the ardour with which the English coveted a share in the riches supposed to be drawn from the East, than the persevering efforts which they made to discover a channel from which the Portuguese should have no pretence to exclude them. Two attempts in the reign of Henry to obtain a passage by the north-west having failed, their exploring fancy anticipated a happier issue from a voyage to the north-east. A small squadron, under the direction of Sir Hugh Willoughby, was fitted out in the reign of Edward VI.; and, sailing along the coast of Norway, doubled the North Cape,[3] where it was encountered by a storm. The ship of Sir Hugh was driven to an obscure spot in Russian Lapland, where he and his crew perished miserably by the climate. The other principal vessel found shelter in the harbour of Archangel, and was the first foreign ship by which it was entered. So well did Chancellour, its captain, improve the incident, that he opened a commercial intercourse with the natives, visited the monarch in his capital, stipulated important privileges for his countrymen; and laid the foundation of a trade which was immediately prosecuted to no inconsiderable extent. This voyage but little damped the hopes of obtaining a north-east passage to the riches of India. Some vigorous attempts were made by the company in whose hands the commerce with Russia was placed;[4] the last of

[1] Hakluyt, ut supra. [2] Ibid. 131. [3] Hakluyt, i. 226, &c.
[4] Anderson's History of Commerce in Macpherson, ii. 166.

them in 1580, when two ships were sent out to explore the passage through the straits of Waygatz: after struggling with many perils and difficulties from the ice and the cold, one of the vessels returned unsuccessful; of the other no intelligence was ever received.

Before this hope was abandoned, the project of obtaining a passage by the north-west was ardently resumed. No fewer than six voyages were made in the course of a few years. Two barks of twenty-five tons each, and a pinnace of ten, sailed under Martin Frobisher in the year 1567, and entered Hudson's bay, which they at first imagined was the inlet about to conduct them to the golden shore. The same navigator was encouraged to make a second attempt in the same direction in 1576. As he brought home some minerals, which were supposed to be impregnated with gold, the attention of government was excited; and after two years, Frobisher was sent out with fifteen of the Queen's ships, miners for the supposed ore, and 120 persons as the *rudiments of a colony.* Having spent his provisions, and lost one of his ships, but not having found the expected passage, nor left his settlers, he returned with 300 tons of the supposed treasure, which proved to be only a glittering sand.[1] The nation persevered in its hopes and its enterprises. A few years afterwards, Captain John Davis sailed as far as 66° 40′ north, and discovered the straits distinguished by his name. In a second voyage, undertaken in 1586, he explored in vain the inlet which he had thus discovered, and after a few years was enabled to proceed in a third expedition, which had no better success than the preceding two.[2]

[1] Hakluyt. Anderson, ut supra, ii. 145, 158, 159.
[2] Hakluyt. Anderson, ut supra, ii. 175, 180, 185.

BOOK I. CHAP. 1.

1577.

After the defeat of so many efforts to discover a new passage to India, the English resolved to be no longer deterred by the pretensions of the Portuguese. A voyage to China by the Cape of Good Hope was undertaken in 1582. Four ships proceeded to the coast of Brazil, fought with some Spanish men of war, and were obliged to return for want of provisions.[1] Another expedition, consisting of three ships, was fitted out in 1596, the commander of which was furnished with Queen Elizabeth's letters to the Emperor of China. This voyage proved eminently unfortunate. The ships were driven upon the coast of Spanish America, where only four men were preserved alive from the effects of storms, famine, and disease.[2]

Amid these unsuccessful endeavours two voyages were accomplished, which animated the hopes of the nation, and pointed out the way to more fortunate enterprises. Francis Drake, the son of a clergyman in Kent, who at a tender age had been put an apprentice to the master of a slender bark trading to the coast of Holland and France, had early evinced that passionate ardour in his profession which is the usual forerunner of signal success.[3] He gained the affections of his master, who left him his bark at his death ; at the age of eighteen he was purser of a ship which sailed to the bay of Biscay ; at twenty he made a voyage to the coast of Guinea; in 1565 he ventured his all in a voyage to the West Indies, which had no success ; and in 1567 he served under his kinsman Sir John Hawkins, in his unprosperous expedition to the bay of Mexico. In these different

[1] Anderson, ut supra, ii. 171.

[2] Purchas, b. iii. sect. 2. Anderson, ii. 210.

[3] Hakluyt, iii. 440. Harris's Collection of Voyages, i. 14. Camden's Annals, 301, &c.

services, his nautical skill, his courage, and sagacity, had been conspicuously displayed. In 1570 his reputation enabled him to proceed to the West Indies with two vessels under his command. So vehemently was he bent on executing some great design, that he renewed his visit the next year, for the sole purpose of obtaining information. He had no sooner returned than he planned an expedition against the Spaniards, executed it with two ships and seventy-three men, sacked the town of Nombre de Dios, and returned with great treasure. It is said that, in this voyage, he saw from the top of a high-tree, that is, fancied he saw, across the American isthmus, the Southern Ocean, and became inflamed with the desire of reaching it in a ship of England.

For this expedition he prepared on a great scale; obtaining the commission of the Queen, and the command of five vessels, one of 100 tons, another of eighty, one of fifty, another of thirty, and a pinnace of fifteen; the whole manned with 164 select sailors. The historians of his voyage are anxious to display the taste and magnificence, as well as judgment, of his preparations; expert musicians, rich furniture, utensils of the most curious workmanship, vessels of silver for his table, and many of the same precious metal for his cook-room.

The expedition sailed from Plymouth on the 13th of December, 1577. Having passed the Straits of Magellan, and ravaged the western coast of Spanish America, Drake feared the encounter of a Spanish fleet, should he attempt to return in the same direction, and formed the bold design of crossing the Pacific Ocean, and regaining England by the Cape of Good Hope.

With one ship, the only part of the fleet which remained, he steered along the coast of America to the

BOOK I. CHAP. 1.

1577.

latitude of 38° north, and then entered upon that immense navigation, in which Magellan, the only circumnavigator who preceded him, had sustained so many disasters. No memorable occurrence attended the voyage. Of the islands which have been discovered in the Pacific Ocean none were observed till he approached the Asiatic coast. Fixing his attention on the Moluccas, of which the fame had been circulated in Europe by the rich spices thence imported by the Portuguese, he passed, with little observation, the more eastern part of the numerous islands which stud the Indian seas, and held his course for Tidore. From intelligence, received on the passage, he waved his intention of landing on that island, and steered for Ternate, the sovereign of which he understood to be at enmity with the Portuguese.

His intercourse with that island forms a remarkable epoch in the history of the British nation in India, as it was the beginning of those commercial transactions which have led to the greatest results. The King, having received assurances that his new visitants came with no other intention than that of trading with his country, gave them a very favourable reception. This monarch possessed considerable power, since the English navigators were informed that he ruled over seventy islands, besides Ternate, the most valuable of all the Moluccas; and in the visits which they paid to his court they were eyewitnesses of no contemptible magnificence. They exchanged presents with him, and received him on board; they traded with his subjects, laid in a cargo of valuable spices, and acquainted themselves with the nature and facilities of a commerce which was the object of admiration and envy in Europe.

Not satisfied with the information or the commo-

dities which they received on one island, they visited several, being always amazed at their prodigious fertility, and in general delighted with the manners of the inhabitants. Among other places they landed in the great island of Java, famous afterwards as the seat of the Dutch government in India. They held some friendly intercourse with the natives, and departed with a tolerable knowledge both of the character of the people, and the productions of the country.

They now spread their sails for that navigation between Europe and India, to which the Portuguese claimed an exclusive right, and by which they monopolized the traffic with India. Those discoverers had craftily disseminated in Europe terrific accounts of dangers and horrors attending the navigation round the Cape of Good Hope. As the voyage of the English proved remarkably prosperous, they were surprised and delighted with the safety and ease which seemed to them to distinguish this envied passage, and conceived a still more lofty opinion of the advantages enjoyed by the nation that engrossed it. After leaving Java, the first land which they touched was the Cape of Good Hope. They landed once more at Sierra Leone, on the African coast, and received supplies which sufficed for the remainder of the voyage. They arrived at Plymouth on Monday the 26th of September, 1580, after a voyage of two years, ten months, and a few days; exhibiting to the wondering eyes of the spectators the first ship in England, and the second in the world, which had circumnavigated the globe. The news quickly spread over the whole kingdom, which resounded with the applauses of the man who had performed so daring and singular an enterprise. Whoever wished to be distinguished as the patron of merit hastened to confer some mark of his admiration on Captain Drake. The songs, epigrams, poems, and

BOOK I. CHAP. 1.

1580.

other pieces, which were composed in celebration of his exploits, amounted to several collections.[1] The Queen, after some delay, necessary to save appearances with the Spanish court, which loudly complained of the depredations of Drake, though as reprisals perhaps they were not undeserved, paid a visit in person to the wonderful ship at Deptford; accepted of an entertainment on board, and conferred the honour of knighthood on its captain; observing, at the same time, that his actions did him more honour than his title.[2]

We may form some conception of the ardour which at that time prevailed in England for maritime exploits, by the number of men of rank and fortune, who chose to forego the indulgences of wealth, and to embark their persons and properties in laborious, painful, and dangerous expeditions. Among them we find such names as those of the Earls of Cumberland and Essex, of Sir Richard Greenville, Sir Walter Ralegh, Sir Humphry Gilbert, Sir Robert Dudley, who prepared squadrons at their own expense, and sailed to various parts of the world. No undertaking of this description was attended with more important circumstances than that of Thomas Cavendish.

This gentleman, descended from a family of distinction, and inheriting a large estate in the county of

[1] Harris is not satisfied with the merit of these productions, which reached not, in his opinion, the worth of the occasion; and seems to be rather indignant that no modern poet has rivalled the glory of Homer, "by displaying in verse the labours of Sir Francis Drake:" i. 20.

[2] Her Majesty appears to have been exquisitely gracious. The crowd which thronged after her was so great that the bridge, which had been constructed between the vessel and the shore, broke down with the weight, and precipitated 200 persons into the water. As they were all extricated from their perilous situation without injury, the Queen remarked that so extraordinary an escape could be owing only to the Fortune of Sir Francis Drake. Harris, i. 20.

Suffolk, had been early fired with a passion for maritime adventure: in a vessel of his own, he had accompanied Sir Richard Greenville in his unsuccessful voyage to Virginia; and now sold or mortgaged his estate, to equip a squadron with which he might rival the glory of Drake. It consisted of three ships, the largest of 140 tons, one of sixty, and a bark of about forty, the whole supplied with two years' provisions, and manned with 126 officers and sailors, of whom several had served in the celebrated expedition of Drake.

They sailed from Plymouth on the 21st of July, 1586. Their voyage through the Straits of Magellan, and the depredations which they proceeded to commit along the western coast of the American continent, not only in the spirit of avarice, but even of wanton devastation, form no part of our present subject, and may without regret be left to other recorders. They had reached the coast of Calefornia, and nearly 24° of northern latitude; when, having taken a very rich Spanish ship, and completed their schemes of plunder, they commenced their voyage across the Pacific Ocean. They left the coast of America on the 19th of November, and came in sight of Guam, one of the Ladrone islands, on the 3d of January. From this island they were visited by sixty or seventy canoes full of the inhabitants, who brought provisions to exchange for commodities, and so crowded about the ship, that the English, when they had finished their traffic, discharged some of their fire arms to drive them away.[1] With the Philippines, to which

[1] I am sorry to observe that no great respect for human life seems to have been observed in this proceeding; since, directly implying that the guns had been charged with shot, and levelled at the men, the historian of the voyage jocosely remarks, "that 'tis ten to one if any of the savages were killed; for they are so very nimble that they drop immediately

BOOK I. CHAP. 1. 1586. they next proceeded, they opened a more protracted intercourse; having cast anchor at one of the islands, where they lay for nine days, and carried on an active trade with the inhabitants.

The cluster of islands, to which the Europeans have given the name of the Philippines, was discovered by Magellan. Philip II., shortly after his accession to the Spanish throne, planted there a colony of Spaniards, by an expedition from New Spain; and a curious commerce had from that time been carried on across the Great Pacific between this settlement and the dominions of Spain in the new world. To Manilla, the capital of the Philippine colony, the Chinese, who resorted thither in great numbers, brought all the precious commodities of India; and two ships were sent annually from New Spain, which carried to the Philippines the silver of the American mines, and returned with the fine productions of the East. The impatience, however, of the natives under the Spanish yoke, was easily perceived. When they discovered that the new visitors were not Spaniards, but the enemies of that people, they eagerly testified their friendship; and the princes of the island, where Cavendish landed, engaged to assist him with the whole of their forces, if he would return and make war upon the common adversary.

This adventurous discoverer extensively explored the intricate navigation of the Indian Archipelago, and observed the circumstances of the new and extraordinary scene with a quick and intelligent eye. He visited the Ladrones; shaped a course among the Philippines, which brought the greater part of those islands within his view; passed through the Mo-

into the water, and dive beyond the reach of all danger, upon the least warning in the world." Harris's Collect. of Voyages, i. 27.

luccas; sailed along that important chain of islands, which bounds the Indian Archipelago from the Strait of Malacca to the extremity of Timor; and passing the Strait of Bally, between the two Javas, cast anchor on the south-west side of the great island of that name, where he traded with the natives for provisions, and formed a sort of treaty, stipulating a favourable reception when his visit should be renewed.

He sailed for the Cape of Good Hope on the 16th of March, careful to treasure up information respecting a voyage, which was now the channel of so important a commerce. He made astronomical observations; he studied the weather, the winds, and the tides; he noted the bearing and position of lands; and omitted nothing which might facilitate a repetition of the voyage to himself or his countrymen. He passed the Cape with prosperous navigation about the middle of May, and, having touched at St. Helena to recruit his stores, he landed at Plymouth on the 9th of September, 1588. In the letter which, on the very day of his arrival, he wrote to Lord Hunsdon, then Chamberlain to Queen Elizabeth, he says, "I navigated to the islands of Philippines, hard upon the coast of China, of which country I have brought such intelligence as hath not been heard of in these parts; a country, the stateliness and riches of which I fear to make report of, lest I should not be credited. I sailed along the islands of Moluccas, where, among some of the heathen people, I was well entreated, and where our countrymen may have trade as freely as the Portugals, if they themselves will."

The tide of maritime adventure which these splendid voyages were so well calculated to swell, flowed naturally towards India, by reason of the fancied opulence, and the prevailing passion for the commodities, of the East. The impatience of our countrymen had

BOOK I. CHAP. 1. 1588.

already engaged them in a circuitous traffic with that part of the globe. They sailed to the eastern shores of the Mediterranean Sea, where they found cargoes of Indian goods conveyed over land: and a mercantile company, denominated the Levant Company, was instituted, according to the policy of the age, to secure to the nation the advantages of so important a commerce.[1] The Company which, after the discovery of the port of Archangel, had been formed to carry on the trade with Russia, had opened a communication with Persia, and thence imported the commodities of India: Mr. Anthony Jenkinson, an active and enterprising agent of the Russia Company, sailed down the Volga, in 1558, to the Caspian Sea, which he crossed into Persia, and at Boghar, a city of some importance, found merchants not only from various parts of the Persian empire, but from Russia, and China, and India. This voyage he performed seven times; and opened a considerable trade for raw and wrought silk, carpets, spices, precious stones, and other Asiatic productions. In 1563, there was business enough to require the presence of three agents at Casbin, the seat of the Persian court; and the traffic flourished for several years.

Accidental circumstances contributed to enliven the admiration excited by the Indian trade. During that expedition to the coast of Spain, on which Sir Francis Drake was sent, by Queen Elizabeth, to harass the Spanish shipping, and prevent as far as possible the preparations for the Invincible Armada, he took one of the Portuguese ships from India, known at that time by the name of Carracks. The value of her cargo inflamed the imaginations of the merchants; and the papers which she carried afforded information

[1] Monson's Naval Tracts. Hakluyt. Anderson's Hist. of Com. published in Macpherson's Annals, ii. 169, 198. Rymer's Fœdera.

respecting the traffic in which she was engaged.[1] A still more important capture of the same sort was made in 1593. An expedition fitted out for the West Indies by Sir Walter Ralegh, and commanded by Sir John Boroughs, encountered near the Azores the greatest of all the Portuguese Carracks, a vessel of 1,600 tons, carrying 700 men, and thirty-six brass cannon, and after an obstinate contest carried her into Dartmouth. She was the largest vessel which had ever been seen in England, laden with spices, calicoes, silks, gold, pearls, drugs, porcelain, ebony, &c.; and stimulated the impatience of the English to be engaged in so opulent a commerce.[2]

BOOK I. CHAP. 1.

1593.

Some members of the Turkey or Levant Company finished about the same time an expedition into India.[3] They had carried some cloth, tin, and other goods from Aleppo to Bagdat, which they next conveyed down the Tigris to Ormus in the Persian Gulf, and thence transported to Goa, the great mart between the Portuguese and Indians on the coast of Malabar. From this place they commenced an extensive survey of the adjoining countries; repaired to Agra, at that time the capital and residence of the Mogul Emperor; visited Lahor; traversed Bengal; travelled to Pegu and Malacca; and, returning by sea to Ormus, retraced their steps to Aleppo, whence they sailed for England, bearing with them important and extensive information respecting the countries they had explored. Intelligence now poured itself into the nation by a variety of channels. An Englishman, of the name

[1] This is not a conclusion merely drawn from the circumstances of the case, which however would sufficiently warrant it; but stated on the testimony of Cambden, who related what he heard and saw. Cambden's Annals. Anderson's Hist. of Commerce.

[2] Anderson's Hist. of Commerce in Macpherson's Annals, ii. 201.

[3] They returned to London in 1591. Anderson, ut supra, ii. 198.

BOOK I. CHAP. 1. 1593.

of Stevens, had sailed with the Portuguese from Lisbon to Goa, by the Cape of Good Hope, and wrote an account of his voyage, which was read with avidity, and contributed to swell the general current of enterprise which now ran so vehemently toward India.[1]

The first application which was made to government was by a memorial, in the name of "divers merchants," addressed to the Lords of Council, in 1589, for the royal permission to send three ships, and as many pinnaces, on a voyage to India. They enumerated the different places, at which the Portuguese had already effected settlements, on the coasts of Malabar and Coromandel, in Malacca, and in the Banda and Molucca islands, places from which it seemed to be tacitly understood that other nations were bound to abstain. But they added, that the islands and shores of the Indian ocean presented many other places, open to the enterprise of English merchants, an intercourse with which might yield the greatest advantages.[2] What reception this application received is unknown. But the unfortunate expedition of Captain Raymond; remarkable as being the first of which India was the immediate destination, though its object was not trade, so much as plunder, by cruising against the Portuguese; was fitted out in 1591. Disease had made such ravages among the crews, before they reached the Cape of Good Hope, that one of the vessels was sent home with the sick; and the rest, two in number, had not long doubled the Cape, when the principal ship was lost in a storm. Captain James Lancaster, in the remaining vessel, after a disastrous voyage to the East, sailed to the West Indies, where he lost the

[1] Harris's Voyages, i. 875.

[2] This Memorial is preserved in the State Paper Office, and a short account of it has been given us by Mr. Bruce, Annals of the East India Company, i. 109.

BOOK I. CHAP. 1. 1599.

ship, and with great difficulty found means to return in a French privateer.[1]

While the English fluctuated between desire and execution in this important enterprise, the Dutch, in 1595, boldly sent four ships to trade with India by the Cape of Good Hope.[2] This exploit added fuel, at once, to the jealousy, and to the ambition of the English. In 1599, an association was formed, and a fund subscribed, which amounted to 30,133*l.* 6*s.* 8*d.*, and consisted of 101 shares, the subscriptions of individuals varying from 100*l.* to 3,000*l.* It was agreed to petition the Queen for a warrant to fit out three ships, and export bullion, and also for a charter of privileges. A committee of fifteen, the origin and foundation of a Court of Directors, were chosen to manage. The approbation of the government was readily signified; but as a treaty was then pending with Spain, policy appeared to counsel delay. The subscribers, known by the name of the adventurers, were impatient, and presented a memorial, distinguishing the places with which the Spaniards and Portuguese had established an intercourse, from others to which, without any ground of complaint on the part of those nations, the English might with unspeakable advantage resort. The council replied, that "it was more beneficiall for the generall state of merchandise to entertayne a peace, then that the same should be hindered, by the standing w^th^ y^e^ Spanishe comissions, for the mayntayning of this trade, to forgoe the oportunety of the concluding of the peace."[3] The memorial was referred to Sir Foulke Greville, who made a favourable report: and in the course of the same year, the Queen sent John Mildenhall over land by Constantinople on an embassy to the Great Mogul.

1 Anderson's Hist. of Commerce in Macpherson's Annals, ii. 199. Harris's Voyages, i. 875.

2 Anderson, ut supra, ii. 209. Harris's Voyages, i. 920.

3 Minutes, &c. (Indian Register Office.) Bruce's Annals, i. 112.

BOOK I. CHAP. I. 1600.

It was attended with little success. The Portuguese and Venetian agents exerted themselves to raise suspicious against the designs of the English, and effectually obstructed the endeavours of the ambassador.

Towards the end of the year 1600 the efforts of the adventurers were renewed; and the consent of government was obtained to proceed in preparations for an Indian voyage, while the patent of incorporation was still under consideration. Meanwhile an application was made from government, with what view does not appear, for the employment of Sir Edward Michelbourne in the expedition. The answer of the committee, though petitioners for a favour not yet conceded, affords a curious specimen of their independence, and of the mode of thinking of the times. They stated it as their resolution "not to employ any *gentleman* in any place of charge," and requested "that they may be allowed to sort theire business with men of their own qualitye, lest the suspicion of the employmt of *gentlemen* being taken hold uppon by the generalitie, do dryve a great number of the adventurers to withdraw their contributions."[1] The adventure was prosecuted with ardour. On the 8th of October the five following ships were already provided; the Malice Scourge, of 200 men, and 600 tons burden; the Hector, of 100 men, and 300 tons; the Ascension, of eighty men, and 260 tons; the Susan, of eighty men, and 240 tons; and a pinnace of forty men, and 100 tons. To provision these ships for twenty months the cost was computed at 6,600*l.* 4*s.* 10*d.*; and the cargo consisting of iron and tin, wrought and unwrought, of lead, cloths, and some smaller articles, chiefly intended as presents, was estimated, exclusive

[1] Minutes of a General Court of Adventurers, preserved in the Indian Register Office. Bruce's Annals, i. 128.

of bullion, at 4,545*l*. It was determined that thirty-six factors or super-cargoes should be appointed for the voyage, divided into separate classes, rising above one another in trust and emoluments. Captain James Lancaster, whose difficult return from a predatory expedition has already been mentioned, was chosen to command the fleet; and on the 31st of December the charter of privileges was obtained.[1]

This charter, the origin of a power so anomalous and important as that which was afterwards accumulated in the hands of the East India Company, contained nothing which remarkably distinguished it from the other charters of incorporation, so commonly in that age bestowed upon trading associations. It constituted the adventurers a body politic and corporate by the name of "the Governor and Company of Merchants of London, trading to the East Indies;" and vested them with the usual privileges and powers. The plan which they had already adopted for the management of their affairs, by a committee of twenty-four, and a chairman, both to be chosen annually, was confirmed and rendered obligatory. With a reservation in favour of the rights granted to other associations, and with prohibition extending to all such places as might be already occupied by the subjects of states in amity with her Majesty, and whose objection to rivals should be declared, the privilege of trading to the East Indies, that is, to all places beyond the Cape of Good Hope and the Straits of Magellan, was bestowed upon the Company, with power to export in each voyage 30,000*l*. in gold and silver, English goods for the first four voyages exempt from duties, and to re-export Indian goods in English ships under the same privilege to the end of the char-

[1] Bruce's Annals, i. 129—136. Anderson's History of Commerce in Macpherson's Annals, ii. 216. Harris's Collection of Voyages, i. 875.

BOOK I. CHAP. 1.

1600.

ter. According to the principle of the times, the charter was exclusive; prohibiting the rest of the community from trading within the limits assigned to the Company, but granting to them the power, whenever they pleased, of bestowing licenses for that purpose. It was granted for a period of fifteen years; but under condition that, if not found to be advantageous to the country, it might be annulled at any time under a notice of two years: if advantageous it might, if desired by the Company, be renewed for fifteen years.

The ardour of individuals, where any thing is to be risked, is more easily excited, than upheld. Though the list of subscribers, while the scheme of Indian adventure was yet in contemplation, had been readily filled up, the calls of the committees for the payment of the instalments were very imperfectly obeyed. Even when the charter was obtained, it was either understood to confer no power of compelling payment, or the directors were afraid to make use of it. Instead of exacting the stipulated sums, and trading upon the terms of a joint-stock company, the subscribers who had paid were invited to take upon themselves the expense of the voyage, and, as they sustained the whole of the risk, to reap the whole of the profit.

The sums which were thus advanced amounted to 68,373*l.* which greatly exceeded the capital originally subscribed. Of this, 39,771*l.* was expended in the purchase and equipment of ships—the four, excluding the pinnace, which were taken up by the committee of original adventurers: 28,742*l.* was expended in bullion: and 6,860*l.* in goods; consisting partly of British commodities, cloth, lead, tin, cutlery, glass, &c.; partly of foreign, as quicksilver, Muscovy hides, &c. The choice of Captain Lancaster to command the fleet was renewed; and it sailed from Torbay on

the 2d of May, 1601, carrying letters of recommendations from the Queen to the sovereigns of the different ports to which it might resort.[1]

A first and experimental attempt was naturally unproductive of any remarkable result: but the first voyage of the East India Company was not discouraging. The first place in India to which they repaired was Acheen, a principal city in the island of Sumatra, at which they were favourably received. They formed a treaty of commerce with the chief or sovereign of the place; obtained permission to erect a factory; and, having taken on board a quantity of pepper, set sail for the Moluccas. In the Straits of Malacca they captured a Portuguese vessel of 900 tons burthen, carrying calicoes and spices, which sufficed to lade the fleet. They diverted their course, therefore, to Bantam in the island of Java; where the Captain, delivering his letters and presents, and meeting with a

[1] Bruce's Annals, i. 146. "But forasmuch," says Sir William Monson (Naval Tracts, iii. Churchill's Collection of Voyages, 475), "as every innovation commonly finds opposition, from some out of partiality, and from others as enemies to novelty; so this voyage, though at first it carried a great name and hope of profit, by the word India, and example of Holland, yet was it writ against." He then exhibits the objections, seven in number, and subjoins an answer. The objections were shortly as follows, the answers, may be conceived:

1. The trade to India would exhaust the treasure of the nation by the exportation of bullion.

2. It would consume its mariners by an unhealthy navigation.

3. It would consume its ships by the rapid decay produced in the southern seas.

4. It would hinder the vent of our cloth, now exported in exchange for the spices of the foreign merchants.

5. It was a trade of which the returns would be very slow.

6. Malice to the Turkey Company was the cause of it, and jealousy and hatred from the Dutch would be the unhappy effect.

7. It would diminish the Queen's customs by the privilege of exporting bullion duty free.

These objections, with the answers, may also be seen in Anderson's History of Commerce, *ad an.*

BOOK I. CHAP. 1. 1603-13.

favourable reception, left some agents, the first rudiments of the Company's factories; and returned to England, where he arrived, in September, 1603, with a handsome profit to his owners on the capital of the voyage.[1]

In the course of the years from 1603 to 1613, eight other voyages were fitted out, on similar terms. The first, in 1603, under the command of Captain Middleton, consisted of the ships which had but just returned from the preceding voyage; and the capital subscribed was 60,450*l.*; of which 48,140*l.* was laid out in the preparation and provision of the ships; 11,160*l.* in bullion, and 1,142*l.* in goods. The second, in 1606, consisted of three ships commanded by Captain Keeling, with a capital of 53,500*l.*; of which 28,620*l.* was for the equipment of the fleet, 17,600*l.* was in bullion, and 7,280*l.* in goods. The third, in 1607, consisted of two ships, 33,000*l.* capital; 14,600*l.* of which was for the ships, 15,000*l.* in bullion, and 3,400*l.* in goods. The fourth voyage, in 1608, had but one ship; 13,700*l.* subscription; expense of equipment, 6,000*l.*; bullion, 6,000*l.*; goods, 1,700*l.* The fifth, in 1609, had three ships, larger than in any former voyage; capital subscribed 82,000*l.*; cost of shipping, 32,000*l.*; the investment, 28,500*l.* bullion, and 21,300*l.* goods. The sixth voyage, in 1610, had four ships; and subscription, 71,581*l.*; divided into 42,500*l.* for shipping, 19,200*l.* bullion, 10,081*l.* goods. The seventh, in 1611, of four vessels, had 76,355*l.* subscription, expended 48,700*l.* on the fleet, had 17,675*l.* in bullion, and 10,000*l.* in goods. The eighth, in 1612, had one ship, and subscription, 7,200*l.*; divided, 5,300*l.* for the vessel, 1,250*l.* bullion,

[1] Harris, i. 875. Anderson, ut supra, ii. 217, 218. Bruce's Annals, i. 151, 152.

and 650*l*. in goods. All these voyages, with one exception, that in 1607, of which both the vessels were lost, were prosperous: the clear profits, hardly ever below 100 per cent, being in general more than 200 on the capital of the voyage.[1]

The years in which these voyages were performed were not without other incidents of considerable importance. In 1604, the Company were alarmed by a licence in violation of their charter, granted to Sir Edward Michelborne and others, to trade to "Cathaia, China, Japan, Corea, and Cambaya, &c." This injury was compensated in 1609, when the facility and indiscretion of King James encouraged the Company to aim at a removal of those restrictions which the more cautious policy of Elizabeth had imposed. They obtained a renewal of their charter, confirming all their preceding privileges, and constituting them a body corporate, not for fifteen years, or any other limited time, but for ever; still, however, providing that, on experience of injury to the nation, their exclusive privileges should, after three *years' notice, cease and expire.*

The earliest of the Company's voyages were exclusively directed to the islands in the Indian Ocean, as Sumatra, Java, and Amboyna, the returns being raw silk, fine calicoes, indigo, cloves, and mace. In 1608, the factors at Bantam and in the Moluccas reported that the cloths and calicoes imported from the continent of India were in great request in the islands; and recommended the opening of a trade at Surat and Cambaya, to supply them with those commodities, which might be exchanged, with extraordinary profit, for the spice and other productions of the islands. To profit by these advantages, the fleet

[1] Bruce's Annals, i. 152—163.

BOOK I. CHAP. 2. 1603-13.

which sailed under the orders of Sir Henry Middleton, in 1609, was directed to steer for the western coast of the Asiatic continent, where they made several attempts to establish a commercial intercourse. At Aden and Mocha they were opposed by the Turks; who surprised one of the ships, and made the Captain and seventy men prisoners. On the coast of India their endeavours were frustrated by the influence of the Portuguese. A fleet which sailed in 1611 had better success. Attacked at Swally, a place at no great distance from Surat, by a large Portuguese armament, it made a successful defence; and, notwithstanding the intrigues and efforts of the Portuguese, obtained a favourable reception at Surat. The English now succeeded in forming a commercial arrangement. They obtained permission to establish factories at Surat, Ahmedabad, Cambaya, and Goga, which were pointed out, by the agents of the Company, as the best situations; and agreeing to pay a duty of 3½ per cent., received assurance, that this should be the only exaction to which their merchandise should be subject; that protection should be afforded to their factories; and that their property, even in the case of the death of their agents, should be secured till the arrival of another fleet. A phirmaun or decree of the Emperor, conferring these privileges, was received on the 11th of January, 1612; and authorised the first establishment of the English on the continent of India, at that time the seat of one of the most extensive and splendid monarchies on the surface of the globe.[1]

[1] Bruce's Annals, i. 164.

CHAP. II.

From the Change of the Company into a Joint-stock Company, in 1612, till the Formation of the third Joint-stock in 1631-2.

BOOK I. CHAP. 2. 1613.

HITHERTO the voyages of the East India traders had been conducted on the terms rather of a regulated than a joint-stock company; each adventure being the property of a certain number of individuals, who contributed to it as they pleased, and managed it for their own account, subject only to the general regulations of the Company. Whether this was more adapted or not, to the nature of commerce, and the interests of the nation, it was less favourable to the power and consequence of a Governor and Directors, than trading on a joint-stock, which threw into their hands the entire management and power of the whole concern. Accordingly, *they* exerted themselves to decry the former method, and, in 1612, were enabled to come to a resolution, that in future, the trade should be carried on by a joint-stock only.[1]

It still appears to have been out of their power to establish a general fund, fixed in amount, and divided into regular shares; the capital was still raised by a sort of arbitrary subscription, some individuals, whose names stood as members of the Company, advancing nothing, others largely. They now, however, subscribed, not each for a particular adventure, with an association of his own choosing, but all into the hands of the Governor and Directors, who were to employ the aggregate as one fund or capital for the benefit

[1] Bruce, i. 165.

BOOK I. CHAP. 2. 1613-16. of those by whom it was advanced. On these terms 429,000*l.* was raised, which the Directors thought proper to divide for the purpose of four separate adventures or voyages, to be undertaken in as many successive years. The voyages were regulated, and composed as follows:

Year.	Vessels.	Investment. Bullion.	Investment. Goods.
1613	8	18,810*l.*	12,446*l.*
1614	8	13,942	23,000
1615	6	26,660	26,065
1616	7	52,087	16,506

The purchase, repair, and equipment of the vessels amounted to 272,544*l.*, being the remainder of stock.

The profit of these voyages was far from setting the mannagement of a court of Directors, as compared with that of individuals taking charge of their own affairs, in a favourable light. The average of the profits on the eight voyages which preceded, leaving out of the account the small adventure of what is called the Company's fourth voyage, wholly unfortunate, was 171 per cent. The average of the profit on the four voyages in question, was only 87¼ per cent.[1]

As the power of the Portuguese in the East carried the usual consequences of power along with it, among other things, an overbearing and insolent spirit, they had already embroiled themselves with the Mogul government: an event favourable to the English, who were thus joined with that government in a common cause. At the same time the splendid achievements of the English, against an enemy whom the governments of India were ill able to resist,

[1] Bruce, i. 166

raised high their reputation for prowess in war. A Portuguese fleet burned the towns of Baroach and Goga: and a powerful armament arrived at Swally with the Portuguese Viceroy, in January 1614; which attacked the English; but was defeated, with a loss of 350 men. To improve these favourable circumstances, an agent of the Company repaired to the Mogul court, where he was well received, and obtained a royal phirmaun for a general and perpetual trade; and in the same year took place the celebrated royal embassy of Sir Thomas Roe. The character of an ambassador, and the respect attached to it by the discernment of more enlightened nations, were but little understood at the court of the Mogul. On that occasion the choice of the English Ambassador was happy: Sir Thomas was a man of discernment, and temper, and made the most of the circumstances in which he was placed; though he soon discovered that it was bad policy by which he had been sent. He obtained redress of some of the grievances of which the English merchants complained; and concluded, though with difficulty, a sort of treaty, in which liberty was promised them of trading and establishing factories in any part of the Mogul dominions; Surat, Bengal, and Sindy being particularly named.[1]

Besides his other services, Sir Thomas bestowed advice upon the Company. "At my first arrival," says he, "I understood a fort was very necessary; but experience teaches me we are refused it to our own advantage. If the Emperor would offer me ten, I would not accept of one." He then states his reasons: first, he adduces evidence that it would be

[1] Bruce, i. 171, &c. Sir Thomas Roe's Journal and Letters. Churchill, i. 770—809.

BOOK I. CHAP. 2. 1613-16.

of no service to their trade: "secondly, the charge," he says, "is greater than the trade can bear; for to maintain a garrison will eat out your profit; a war and traffic are incompatible. By my consent you shall never engage yourselves but at sea, where you are like to gain as often as to lose. The Portugueses, notwithstanding their many rich residences, are beggared by keeping of soldiers; and yet their garrisons are but mean. They never made advantage of the Indies since they defended them: observe this well. It has also been the error of the Dutch, who seek plantations here by the sword. They turn a wonderful stock; they prole in all places; they possess some of the best: yet their dead pays consume all the gain. Let this be received as a rule, that if you will profit, seek it at sea, and in quiet trade; for, without controversies, it is an error to affect garrisons and land wars in India."

"It is not a number of ports, residences, and factories, that will profit you. They will increase charge, but not recompence it. The conveniency of one, with respect to your sails, and to the commodity of investments, and the well employing of your servants, is all you need." If Sir Thomas had lived to the present day, he might have urged the trade with China as proof, by experiment, of the proposition he advanced.

"The settling your traffic here will not need so much help at court as you suppose. A little countenance and the discretion of your factors will, with easy charge, return you most profit; but you must alter your stock. Let not your servants deceive you; cloth, lead, teeth, quicksilver, are dead commodities, and will never drive this trade; you must succour it by change."

"An ambassador lives not in fit honour here. A

meaner agent would, among these proud Moors, better effect your business. My quality, often, for ceremonies, either begets you enemies, or suffers unworthily. Half my charge shall corrupt all this court to be your slaves. The best way to do your business in it is to find some Mogul, that you may entertain for 1000 rupees a year, as your solicitor at court. He must be authorized by the king, and then he will serve you better than ten ambassadors. Under him you must allow 500 rupees for another at your port to follow the Governor and customers, and to advertise his chief at court. These two will effect all; for your other smaller residences are not subject to much inconveniency."

The permission to the Company's servants to trade privately on their own account, which aftewards produced so many inconveniences, was, it seems, even at this early period, a source of abuse. "Concerning this, it is my opinion," says Sir Thomas, "that you absolutely prohibit it, and execute forfeitures, for your business will be the better done. All your loss is not in the goods brought home; I see here the inconveniences you think not of; I know this is harsh to all men, and seems hard. Men profess they come not for bare wages. But you will take away this plea, if you give great wages to their content; and then you know what you part from; but then you must make good choice of your servants, and use fewer."

Sir Thomas tells the Company that he was very industrious to injure the Dutch. "The Dutch," he says, "are arrived at Surat from the Red Sea, with some money and southern commodities. I have done my best to disgrace them; but could not turn them out without further danger. Your comfort is, here

BOOK I. CHAP. 2. are goods enough for both."[1] If so, why seek to turn them out?

1617. One of the objects at which the adventurers from England most eagerly aspired was a share in the traffic of the Spice Islands. The spices, from their novelty, were at that time a favourite object of consumption to those the supply of whose wants is so naturally but thoughtlessly regarded by the dealer as peculiarly profitable, the rich and the great: and the commerce, brilliant as compared with that of other nations, which the enterprise and diligence of the Dutch now carried on with the East, almost entirely consisted of those commodities. The English, by their connexion with Sumatra and Java, had their full share in the article of pepper; but were excluded from cinnamon, cloves, nutmegs, and all the finer spices. Agents were now sent from Bantam to Amboyna, Banda, and other islands, who fired the jealousy and cupidity of the Dutch. Defeated in their endeavours at all the places where the Dutch had already established themselves, the English projected, as a last resource, a factory at Macassar, of which the produce was only rice, but which might serve as a magazine for spices collected from the neighbouring islands.[2]

In the year 1617, or the year of the last of the four voyages in which the general subscription had been

[1] Churchill, i. 106—108. He gives another account of his endeavours to injure the Dutch, in the following words:—"The 10th, 11th, and 12th, I spent in giving the king and prince advice that a Dutch ship lay before Surat, and would not declare upon what design it came, till a fleet arrived; which was expected with the first fit season. This I improved to fill their heads with jealousies of the designs of the Dutch, and the dangers that might ensue from them; which was well taken: and, being demanded, I gave my advice to prevent coming to a rupture with them, and yet exclude them the trade of India." Ib. 774.

[2] Bruce, i. 174, 178.

1617.

employed, the Company's agents reported; that Surat was the place at which the cloths of India could best be obtained, though nothing could there be disposed of in return except China goods, spices, and money: That large quantities of Indian wove goods might be sold, amd gold, camphor, and benjamin obtained, at the two factories of Acheen and Tekoo on the island of Sumatra: That Bantam afforded a still larger demand for the wove goods of India, and supplied pepper for the European market: That Jacatra, Jambee, and Polania, agreed with the two former places in the articles both of demand and supply, though both on a smaller scale: That Siam might afford a large vent for similar commodities, and would yield gold, silver, and deer skins for the Japan market: That English cloth, lead, deer skins, silks, and other goods might be disposed of at Japan for silver, copper, and iron, though hitherto want of skill had rendered the adventures to that kingdom unprofitable: That, on the island of Borneo, diamonds, bezoar stones, and gold, might be obtained at *Succadania*, notwithstanding the mischief occasioned by the ignorance of the first factors; but from Banjarmassin, where the same articles were found, it would be expedient, on account of the treacherous character of the natives, to withdraw the factory: That the best rice in India could be bought, and the wove goods of India sold at Macassar: And that at Banda the same goods could be sold, and nutmegs and mace procured, even to a large amount, if the obstruction of European rivals were removed.[1]

Surat and Bantam were the seats of the Company's principal establishments.

In the year 1617-18, a subscription was opened

[1] Bruce, i. 188.

BOOK I. CHAP. 2. 1618.

for a new fund, and was carried to the large amount of 1,600,000*l*. This was denominated the Company's Second Joint-stock. They were now, we are told, possessed of thirty-six ships, from 100 to 1,000 tons burthen; and the proprietors of stock amounted to 954.[1] But as the accounts of the Company have never been remarkable for clearness, or their historians for precision, we are not informed whether these ships belonged to the owners of the first joint-stock, or to the owners of the second; or if to both, in what proportion; whether the 954 proprietors of stock were the subscribers to both funds, or to the last only; whether any part of the first joint-stock had been paid back to the owners, as the proceeds came in; or whether both funds were now in the hands of the Directors at once, employed for the respective benefit of the respective lists of subscribers: two trading capitals in the same hands, employed separately, for the separate account of different associations. That such was the case to a certain extent may be concluded from this, that of the last of the voyages upon the first of the funds the returns were not yet made. We shall see that, afterwards, the Directors had, in their hands, at one and the same time, the funds of several bodies of subscribers, which they were bound to employ separately, for the separate benefit of each; that they, as well as their agents abroad, experienced great inconvenience in preserving their accounts and concerns separate and distinct; and that the interests and pretensions of the several bodies were prone to interfere.

The new subscription was divided into portions for three separate voyages.

The passion, naturally, of the Company's agents,

[1] Sir Jeremy Sambrooke's Report on East India Trade (MS. in East India Register Office) quoted by Bruce, i. 193.

at the different stations abroad, was to grasp at every thing, with little regard to the narrowness of the funds upon which their operations depended. In one point of view this was advantageous: while the ground was yet imperfectly explored, it yielded a wider field for selection. The factors at Surat were captivated with the project of a trade to Persia; it promised a vent for English woollens to a large amount, and would furnish silk and other goods, which, both in Europe and in India, might sell to the greatest advantage. Sir Thomas Roe dissuaded the speculation; on the ground, that the Portuguese were already in possession of the commerce, and that it would cost the Company more to protect themselves in it, than they could hope to gain by it. The views of the factors, because the most flattering, were the most persuasive; agents were sent to the court of Persia; grants of privileges were obtained; and a trade was opened, which experience proved to be of little importance.

The rivalship between the East India Company and the other nations of Europe includes, for a considerable time, the principal incidents of their history. The Portuguese, on the pretence of discovery, had long maintained an exclusive claim to the passage by the Cape of Good Hope: they had, partly by conquest, partly by agreement, made themselves masters of Goa, Bombay, and other places, on the Malabar coast; of Aden, at the entrance of the Red Sea; of Ormus, in the Persian Gulf; of part of the Malay coast, in the Straits of Malacca; of the Molucca islands; and of the coasts of Ceylon, the most valuable of all the eastern islands: they were possessed of factories in Bengal and in Siam; and they had erected the city of Macao on the coast of China.

BOOK I. CHAP. 2. 1618.

The Dutch, while subject to the crown of Spain, had been accustomed to repair to Lisbon for the productions of the East; which, even at that early period, they were employed in distributing to the rest of Europe. When they broke the chains of their ancient masters, one of the means which Philip employed to distress them was, to deprive them of the commerce of his dominions. Prevented from obtaining Indian commodities by traffic with the subjects of Philip, they became ruinous competitors for the trade with India itself.

At the time when the Dutch commenced their voyages to the East, the crown of Spain was engaged in enterprises of so much importance, in other quarters, and so much engrossed with the contemplation of its splendid empire in the New World, that the acquisitions, in the East Indies, of the Portuguese, now become its subjects, were treated with comparative neglect. The Dutch, accordingly, who entered upon the trade to India with considerable resources and the utmost ardour, were enabled to supplant the Portuguese in the spice trade, and, after a struggle, to expel them from the Molucca islands. That celebrated people, now freed from the oppression of a bad government, were advancing in the career of prosperity with great and rapid strides. The augmentation of capital was rapid, in Holland, beyond what has often been witnessed in any other part of the globe. A proportional share of this capital naturally found its way into the channel of the India trade, and gave both extent and vigour to the enterprises of the nation in the East; while the English, whose country, oppressed by misgovernment, or scourged with civil war, afforded little capital to extend its trade, or means to afford it protection, found themselves

unequal competitors, with a people so favourably situated as the Dutch.

1618.

During that age, the principles of public wealth were very imperfectly understood, and hardly any trade was regarded as profitable but that which was exclusive. The different nations which traded to India, all traded by way of monopoly; and the several exclusive companies treated every proposal for a participation in their traffic, as a proposal for their ruin. In the same spirit, every nation which obtained admittance into any newly explored channel of commerce endeavoured to exclude from it all participators, and considered its own profits as depending on the absence of all competition.

The Dutch, who were governed by the same prejudices as their contemporaries, and actuated, at least in that age, with rather more perhaps than the usual intensity of the appetite for gain, beheld, with great impatience, the attempts of the English to share with them in the spice trade. While contending for their independence against the power of Spain, and looking to England for support, they were constrained to practise moderation and forbearance; and during this time the English were enabled to form a connexion with Sumatra, to establish themselves at Bantam, and obtain a share in the traffic of pepper, which being a commodity so generally produced in the East, could not easily become the subject of monopoly. But before the English made efforts on any considerable scale to interfere with the trade of the further India, where the finer spices were produced, the power and confidence of the Dutch had greatly increased.

That people were more prejudicial opponents than the Portuguese, between whom and the English the interference was not so direct. The chief settlements

1618.

of the Portuguese on the continent of India were on the Malabar coast, at a great distance from Surat, which was the principal seat of the English: it was in the Persian trade alone that much incompatibility of interest existed: and feeble, in India, as the English at that time were, it is remarkable that they were an overmatch at sea for the Portuguese; and hardly ever encountered them without a brilliant victory, or at least decided advantages. The case was different in regard to the Dutch: the pretensions of the English to the spice trade interfered with the very vitals of the Dutch commerce in the East; and the fleets which the prosperous enterprise of the new republic enabled it to maintain were so far superior to those which the restricted means of the English Company allowed them to send, that contention became altogether hopeless and vain.

It was not till the year 1617-18, that the hostility of the two nations displayed itself in operations of force; the Dutch, in those places where they had formed establishments, having in general been able, by intrigue and artifice, to defeat the attempts of their rivals. The English took possession of two small islands, called Polaroon and Rosengin, which were not formally occupied by the Dutch, but intimately connected with some of their possessions. The Dutch raised pretensions to them, and attacked the English. The English had, however, so well fortified themselves, that the Dutch found it impracticable at the first attempt to expel them; but they found the means, partly by force, and partly by artifice, to get possession of two English ships, on their voyage to these islands; carried them to a Dutch settlement, and refused to deliver them up, till every pretension to the Spice Islands was renounced.[1]

[1] Bruce, i. 199.

The proceedings of the Dutch, though regarded by the English as in the highest degree unjust and rapacious, were founded on pretensions, not inferior to those on which the English Company endeavoured to convert claims into rights; and on pretensions which it is clear, at any rate, that the Dutch themselves regarded as valid and equitable; since they presented them to the English monarch, as the ground of complaint against his subjects, and of a demand for his interference to prevent the recurrence of similar injuries. In a memorial to James, in 1618, the Dutch Company set forth, that, at their own cost and hazard, they had expelled the Portuguese from the Spice Islands, and had established a treaty with the natives, on the express condition of affording the natives protection against the Portuguese, and enjoying the exclusive advantage of their trade; that the agents of the English Company, however, had interfered with those well-established rights, and had not only endeavoured to trade with the natives, but to incite them against the Dutch.

To these complaints the English Company replied, by an enumeration of injuries, from the resistance, the intrigues, and violence of the Dutch, in places where no factories of theirs had ever existed. But they also enumerated among their grievances, the hostilities experienced at Tydore and Amboyna, places to which the pretensions of the Dutch applied in all their force.[1] And if the ideas are admitted, which then prevailed, and on which the English as confidently grounded themselves as any other nation; ideas importing that, in newly-discovered countries, priority of occupancy constituted sovereignty, and that

[1] Memorial of the Dutch East India Company to King James, and Reply of the London East India Company thereto, in the year 1616, (East India Papers in the State Paper Office) quoted, Bruce, i. 202.

BOOK I. CHAP. 2. 1619. the will of the natives was to be counted for nothing; the English could not make out a right to the trade of the Moluccas; for though Polaroon and Rosengin might not, by actual occupancy, have accrued to the Dutch, they form part of a narrow and closely connected cluster of islands, of which the Dutch had seized the principal, and with the security of which the presence of the English in any of the rest could as little be reconciled, as the security of Great Britain could be reconciled with the dominion of the French in Ireland. With respect to Java, and the settlements at Bantam and Jacatra, the English had an equitable plea, of which they appear not to have availed themselves; they might have insisted on the consent of the Dutch, who had not resisted their early settlement on that island, now sanctioned by time.

After a tedious interchange of hostilities in which intrigue and force were combined, (the practice of buying up the pepper at prices higher than the English could afford, forming one of the principal subjects of English complaint), it was agreed between the two governments in Europe, at that time allies, to institute a mutual inquiry, and form an arrangement respecting the claims of their subjects in the East. Commissioners were appointed; and, after repeated conferences, a treaty was concluded at London, on the 17th July, 1619. It was stipulated, that there should be a mutual amnesty, and a mutual restitution of ships and property; that the pepper trade at Java should be equally divided; that the English should have a free trade at Pullicate on the Coromandel coast on paying half the expences of the garrison; and that of the trade of the Moluccas and Bandas they should enjoy one third, the Dutch two, paying the charges of the garrisons in the same pro-

portions. Beside these conditions which regarded their opposite pretensions, the treaty included arrangements for mutual profit and defence. Each Company was to furnish ten ships of war, which were not to be sent in the European voyages, but employed in India for mutual protection; and the two nations were to unite their efforts to reduce the duties and exactions of the native governments at the different ports. To superintend the execution of this treaty a council was appointed, to be composed of four members of each Company, called the *Council of Defence*. And the treaty was to be in force during twenty years.[1]

This solemn engagement is a proof, if there was not another, of the imperfection which still adhered to the art of legislation. The principal stipulations were so vague, and the execution of them dependent on so many unascertained circumstances, that the grounds of dispute and contention were rather multiplied than reduced. For these evils, as far as they were foreseen, the Council of Defence seems to have been devised, as the remedy. But experience taught here, what experience has uniformly taught, that in all vague arrangements the advantages are reaped by the strongest party. The voice of four Englishmen in the Council of Defence was but a feeble protection against the superior capital and fleets of the Dutch. The English, to secure their pretensions, should have maintained a naval and military force superior to that of their opponents. In that case, they would have been the oppressors; the Dutch would have been expelled from the spice trade; the spice trade would have rested with the English, who would have overlooked the continent of India, because their capital

[1] Rymer's Fœdera, xvii. 170. Bruce, i. 212.

BOOK I. CHAP. 2. 1619.

would not have sufficed to embrace it; the continent would have been left to the enterprise of other nations; and that brilliant empire, established by the English, would never, it is possible, have received a commencement.

In consequence of this treaty, by which the English were bound to send a fleet of ten ships to India, a larger fund was this year raised than had been provided for any preceding voyage: 62,490*l.* in the precious metals, and 28,508*l.* in goods, were exported with the fleet. The return was brought back in a single ship, and sold at 108,887*l.*[1]

In the interval between the time of concluding the treaty and the establishment of the *Council of Defence* at Jacatra, the Dutch had committed various acts of oppression on the English; and when the council began its operations, after executing some of the least important conditions of the treaty, they endeavoured to evade the rest. They consented to restore the ships taken from the English, but not the goods or stores taken by individuals; on the pretext, that the Company could not be responsible for any acts but their own; though, if the letters may be credited of the English factors at Jacatra, they exploded the same pretension when it was urged against themselves: They refused to admit the English to their share of the pepper trade, till indemnified for certain fortifications, and for the expences incurred by them at the siege of Bantam: They insisted that at Jacatra, and all other places where they had erected fortifications, they possessed the rights of sovereignty; and that the English could claim no permission to reside there except under the Dutch laws: They set forth the large expense they had incurred in for-

[1] Bruce, i. 213.

BOOK I. CHAP. 2. 1619.

tifying the Spice Islands; the maintenance of which they estimated at 60,000*l*. per annum; and of all this they required the English to advance their due proportion, before they could be admitted to the stipulated share of the trade. The English objected, that some of the *fortifications* were at places where no produce was obtained, and that none of them were useful but for defence against the Spaniards and Portuguese, with whom they were not at war. On the whole it may be remarked, that if there were fortifications at places where none were required, the English had a right to decline paying for the blunders of the Dutch; but as they claimed a share of the trade upon the foundation of the Dutch conquests, and would not have been admitted to it without a war had not those conquests taken place, it was a less valid plea, to say that they were not at war with the Spaniards and Portuguese. In framing the treaty, no distinction was made between past and future expenses: the English intended to bind themselves only for a share of the future: the Dutch availed themselves of the ambiguity to demand a share of the past: And in all these pretensions, they acted with so high a hand, that the English commissioners of the Council of Defence reported the impracticability of continuing the English trade, unless measures were taken in Europe to check the overbearing and oppressive proceedings of the Dutch.[1]

In the circle of which Surat was the centre, as the English were more of a match for their antagonists, they had a better prospect of success. In 1620, two of the Company's ships, which sailed from Surat to Persia, found the port of Jasques blockaded by a Portuguese fleet, consisting of five large and sixteen

[1] Bruce, i. 223.

BOOK I. CHAP. 2. 1622.

smaller vessels. Unable to cope with so disproportionate a force, they sailed back to Surat; where they were joined by two other ships. Returning with this re-inforcement, they attacked the Portuguese, and, after an indecisive action, entered the port. The Portuguese retired to Ormus, but, after refitting, came back for revenge. An obstinate conflict ensued, in which the English were victorious over a vast superiority of force. Such an event was calculated to produce a great impression on the minds of the Persians.

The English and Persians agreed to attack with joint forces the Portuguese on the island of Ormus, which that nation in the days of its prosperity had seized and fortified. The English furnished the naval, the Persians the military force; and the city and castle were taken on the 22d of April, 1622. For this service the English received part of the plunder of Ormus, and a grant of half the customs at the port of Gombroon; which became their principal station in the Persian gulf. The agents of the Company at Bantam, who were already vested with the superb title of President and Council, and with a sort of control over the other factories, condemned this enterprise; as depriving them of the ships and effects, so much required to balance the power, and restrain the injustice, of the Dutch.[1]

The domestic proceedings of the Company at this period were humble. In 1621-22, they were able to fit out only four ships, supplied with 12,900*l.* in gold and silver, and 6,253*l.* in goods; the following year, they sent five ships, 61,600*l.* in money, and 6,430*l.* in goods; in 1623-24, they equipped seven vessels, and furnished them with 68,720*l.* in money, and 17,340*l.* in goods. This last was a prosperous year

[1] Bruce, i. 237, 238.

to the domestic exchequer. Five ships arrived from India with cargoes, not of pepper only, but of all the finer spices, of which, notwithstanding the increasing complaints against the Dutch, the Company's agents had not been prevented from procuring an assortment. The sale of this part alone of the cargoes amounted to 485,593*l.*; that of the Persian raw silk to 97,000*l.*; while 80,000*l.* in pursuance of the treaty of 1619, was received as compensation money from the Dutch.[1]

Other feelings were the result of demands by the King, and by the Duke of Buckingham, Lord High Admiral, of shares, to the one as droits of the crown, to the other as droits of the admiralty, of the prize money, gained by the various captures of the Company, particularly that of Ormus. The Company, who deemed it prudent to make little opposition to the claims of the King, objected, as not having acted under letters of marque from the Admiral, but under their own charter, to those of the Duke of Buckingham. The question was referred to the Judge of the Admiralty court; witnesses were examined to ascertain the amount of the prize money, which was estimated at 100,000*l.* and 240,000 reals of eight. The Company urged the expense of their equipments, the losses they had sustained, the detriment to their mercantile concerns, by withdrawing their ships from commerce to war. All possible modes of solicitation to the King and the Admiral were employed; but the desire for their money was stronger than their interest. Buckingham, who knew they must lose their voyage, if the season for sailing was passed, made their ships be detained; and the Company, to escape this calamity, were glad of an accommodation. The Duke agreed to accept of 10,000*l.*, which he

[1] Accounts in the Indian Register Office. Bruce i. 225, 234, 241.

[2] East India Papers in the State Paper Office. Bruce, i. 241.

BOOK I. CHAP. 2. received. A like sum was demanded for the King, but there is no direct evidence that it ever was paid.

1623. The animosities, between the English and Dutch, were now approaching to a crisis in the islands. The English complained of oppression, and were so weak, as to find themselves at the mercy of their rivals. They represented that, in the execution of the joint articles of the treaty, they were charged with every item of expense, though their voice was entirely disregarded in the disposal of the money, in the employment of the naval and military force, and even in the management of the trade; that, instead of being admitted to their stipulated share of the spice commerce, they were almost entirely extruded from it; and that, under the pretext of a conspiracy, the Dutch had executed great numbers of the natives at Banda, and reduced Polaroon to a desert.[1] At last arrived that event, which made a deep and lasting impression on the minds of Englishmen. In February, 1623, Captain Towerson and nine Englishmen, nine Japanese, and one Portuguese sailor, were seized at Amboyna, under the accusation of a conspiracy to surprise the garrison, and to expel the Dutch; and, being tried, were pronounced guilty, and executed. The accusation was treated by the English as a mere pretext, to cover a plan for their extermination. But the facts of an event, which roused extreme indignation in England, have never been exactly ascertained. The nation, whose passions were kindled, was more disposed to paint to itself a scene of atrocity, and to believe whatever could inflame its resentment, than to enter upon a rigid investigation of the case. If it be

[1] The Dutch, in their vindication, stated that the English intrigued with the Portuguese, and underhand assisted the natives in receiving the Portuguese into the islands. See Anderson's History of Commerce, in Macpherson's Annals, ii. 305.

1623.

improbable, however, on the one hand, that the English, whose numbers were small, and by whom ultimately so little advantage could be gained, were really guilty of any such design as the Dutch imputed to them; it is on the other hand equally improbable that the Dutch, without believing them to be guilty, would have proceeded against them by the evidence of a judicial trial. Had simple extermination been their object, a more quiet and safe expedient presented itself: they had it in their power at any time to make the English disappear, and to lay the blame upon the natives. The probability is, that, from certain circumstances, which roused their suspicion and jealousy, the Dutch really believed in the conspiracy, and were hurried on, by their resentments and interests, to bring the helpless objects of their fury to a trial; that the judges before whom the trial was conducted, were in too heated a state of mind to see the innocence, or believe in any thing but the guilt, of the accused; and that in this manner the sufferers perished. Enough, assuredly, of what is hateful may be found in this transaction, without supposing the spirit of demons in beings of the same nature with ourselves, men reared in a similar state of society, under a similar system of education, and a similar religion. To bring men rashly to a trial whom a violent opposition of interests has led us to detest, rashly to believe them criminal, to decide against them with minds too much blinded by passion to discern the truth, and to put them to death without remorse, are acts of which our own nation, or any other, would have been then, and would still be, too ready to be guilty. Happy would it be, how trite soever the reflection, if nations, from the scenes which excite their indignation against others, would learn temper and forbearance in cases where they become the actors themselves!

BOOK I. CHAP. 2. 1623.

One of the circumstances, the thought of which most strongly incited the passions of the English, was the application of the torture. This, however, according to the Civil Law, was an established and regular part of judicial inquiry. In all the kingdoms of continental Europe, and Holland among the rest, the torture was a common method of extorting evidence from supposed criminals, and would have been applied by the Dutch judges to their own countrymen. As both the Japanese, who were accused of being accessaries to the imputed crime, and the Englishmen themselves, made confession of guilt under the torture, this, however absurd and inhuman the law, constituted legal evidence in the code of the Dutch, as well as in the codes of all the other continental nations of Europe. By this, added to other articles of evidence which would have been insufficient without it, proof was held to be completed; and death, in all capital cases, authorized and required. This was an ancient and established law; and as there are scarcely any courses of oppression to which Englishmen cannot submit, and which they will not justify and applaud, provided only it has ancient and established law for its support, they ought, of all nations, to have been the most ready to find an excuse and apology for the Dutch.[1] From the first moment

[1] The English had not been so long strangers to the torture themselves, that it needed to excite in their breasts any emotions of astonishment. "The rack itself," says Hume in his History of Elizabeth, v. 457, "though not admitted in the ordinary execution of justice, was frequently used upon any suspicion, by authority of a warrant from a secretary or the Privy Council. Even the Council in the Marches of Wales were empowered, by their very commission, to make use of torture whenever they thought proper. There cannot be a stronger proof how lightly the rack was employed, than the following story, told by Lord Bacon. We shall give it in his own words: 'The Queen was mightily incensed against Haywarde, on account of a book he dedicated to Lord Essex, thinking it a seditious prelude to put into the people's

of acting upon the treaty, the Dutch had laid it down, as a principle, that, at all the places where they had erected fortifications, the English should be subject to the Dutch laws; and though the English had remonstrated, they had yet complied.

It was in vain, that the English President and Council at Java, on hearing of the massacre, as they called it, remonstrated in terms of the utmost indignation, and even intimated their design of withdrawing from the island. In their representations to the Court of Directors at home, they declared, what might have been seen from the beginning, that it was

head boldness and faction: [*to our apprehension, says Hume, Hayward's book seems rather to have a contrary tendency; but Queen Elizabeth was very difficult to please on that head.*] She said, she had an opinion that there was treason in it, and asked me if I could not find any places in it, that might be drawn within the case of treason? ...... Another time when the Queen could not be persuaded that it was his writing whose name was to it, but that it had some more mischievous author, she said, with great indignation, that she would have him racked to produce his author.'.........Thus, continues Hume, "had it not been for Bacon's humanity, or rather his wit, this author, a man of letters, had been put to the rack for a most innocent performance." —The truth is, that the Company themselves, at this very time, were in the regular habit of perpetrating tortures upon their own countrymen, and even their own servants—of torturing to death by whips or famine. Captain Hamilton (New Account of the East Indies, i. 362,) informs us, that before they were intrusted with the powers of martial law, having no power to punish capitally any but pirates, they made it a rule to whip to death, or starve to death, those of whom they wished to get rid. He produces (Ib. 376,) an instance of a deserter at Fort St. George, "whipt," as he expresses it, "out of this world into the next." The power too, of executing as for piracy, the same author complains, was made use of to murder many private traders. "That power (he says, Ib. 362,) of executing pirates is so strangely stretched, that if any private trader is injured by the tricks of a Governor, and can find no redress—if the injured person is so bold as to talk of *lex talionis*, he is infallibly declared a pirate." He gives an account of an attempt of an agent of the Company, and a creature of the Governor of Fort St. George, to swear away his life by perjury at Siam, (Ib. ii. 183.)—These parallels are presented, not for the sake of clearing the one party at the expense of the other; but, by showing things as they were, to give the world at last possession of the real state of the case.

BOOK I. CHAP. 2. 1624.

impossible to trade on a combination of interests with the Dutch; and that negotiation being fruitless, nothing but a force in the islands, equal to that of their rivals, could ensure to their countrymen a share of the trade.

When the news of the execution at Amboyna arrived in England, the people, whose minds had been already inflamed against the Dutch, by continual reports of injustice to their countrymen, were kindled into the most violent combustion. The Court of Directors exerted themselves to feed the popular fury. They had a hideous picture prepared, in which their countrymen were represented expiring upon the rack, with all the most shocking expressions of horror and agony in their countenance and attitudes, and all the most frightful instruments of torture applied to their bodies. The press teemed with publications, which enlarged upon the horrid scene at Amboyna; and to such a degree of rage were the populace excited, that the Dutch merchants in London became alarmed, and applied to the Privy Council for protection. They complained of the inflammatory publications; more particularly of the picture, which, being exposed to the people, had contributed to work them up to the most desperate resolutions. The Directors, when called before the Privy Council to answer these complaints, denied that they had any concern with the publications, but acknowledged that the picture was produced by their order, and was intended to be preserved in their house as a perpetual memorial of the cruelty and treachery of the Dutch. The Directors were aware that the popular tide had reached the table of the council room, and that they had nothing to apprehend from confessing how far they had been instrumental in raising the waters.[1]

1 East India Papers in the State Paper Office. Bruce, i. 256.

Application was made to the King, to obtain signal reparation from the Dutch government, for so great a national insult and calamity. The whole nation was too violently agitated to leave any suspicion that the application could be neglected. A commission of inquiry was formed of the King's principal servants, who reported in terms, confirming the general belief and indignation; and recommended an order, which was immediately issued, for intercepting and detaining the Dutch East India fleets, till satisfaction was obtained. With great gravity the Dutch government returned for answer; that they would send orders to their Governor General in the Indies to permit the English to retire from the Dutch settlements without paying any duties; that all disputes might be referred to the Council of Defence; that the English might build forts for the protection of their trade, provided they were at the distance of thirty miles from any fort of the Dutch; that the "administration, however, of politic government, and particular jurisdiction, both civil and criminal, at all such places as owe acknowledgment to the Dutch," should remain wholly in their hands; and that to the Dutch belonged the exclusive right to the Moluccas, Bandas, and Amboyna.[1]

This was an undisguised assumption of all the rights for which their subjects were contending in India. It is remarkable enough that the English East India Company, who were highly dissatisfied with the other parts of this answer, declared their acceptance of the first article, which permitted their servants to retire from the Dutch settlements. And here, for the present, the matter rested.

In 1624, the Company applied, by petition, to the

[1] Bruce, i. 258.

BOOK I. CHAP. 2. 1625.

King, for authority to punish their servants abroad, by martial, as well as municipal law. It appears not that any difficulty was experienced in obtaining their request; or that any parliamentary proceeding, for transferring unlimited power over the lives and fortunes of the citizens, was deemed even a necessary ceremony. This ought to be regarded as an era in the history of the Company.[1]

In the year 1624-5, the Company's voyage to India consisted of five ships; but of the amount of the capital with which they were supplied, no account, it should seem, remains. In 1625-26, it consisted of six ships: and in 1626-27, of seven; farther information wanting as before.[2] In the last of these years, we gain the knowledge, collaterally, of one of those important facts, in the Company's history, which it has been their sedulous care to preserve concealed, except when some interest, as now, was to be served by the disclosure. Sir Robert Shirley, who had been ambassador at the court of Persia, made application to the King and Council to order the East India Company to pay him 2000*l.* as a compensation for his exertions and services in procuring them a trade with Persia. The Company, beside denying the pretended services, urged their inability to pay; stating that they had been obliged to contract so large a debt as 200,000*l.*; and that their stock had fallen to 20 per cent. discount, shares of 100*l.* selling for no more than 80*l.*[3]

The Company's Persian trade was not prosperous, under the caprice and extortions of the Persian magistrates. At Java their agents, tired out with the mortifications and disasters to which they were ex-

[1] Bruce, i. 252. [2] Ib. 252, 265, 271.
[3] East India Papers in the State Paper Office. Bruce, i. 272.

1627.

posed from the Dutch, retired to the island of Lagundy, in the Straits of Sunda; having abandoned both Bantam and Jacatra, at which the Dutch, under the name of Batavia, had now established their principal seat of government. The island of Lagundy was found to be so unhealthy, that, in less than a year, the imprudent English were anxious to return. Their distress was so great, that out of 250 individuals 120 were sick; and they had not a crew sufficient to navigate a ship to any of the English factories. In these circumstances the Dutch lent them assistance, and brought them back to Batavia.[1] On the coast of Coromandel some feeble efforts were continued. The Company had established factories at Masulipatam and Pullicat; but the rivalship of the Dutch pursued and obliged them to relinquish Pullicat. In 1624-5, they projected an establishment in the kingdom of Tanjore, but were opposed by a new rival, the Danes. At Armegum, however, situated a little to the south of Nellore, they purchased, in the succeeding year, a piece of ground from the chief of the district; erected and fortified a factory; and, suffering oppression from the native government at Masulipatam, they withdrew the factory in 1628, and transferred it to Armegum.[2]

Shortly after the first application to James on account of the injury at Amboyna, that monarch died. In 1627-8, the application was renewed to Charles; and three large Dutch Indiamen from Surat, which put into Portsmouth, were detained. The Company, watching the decline of the royal authority, and the growing power of the House of Commons, were not satisfied with addressing the King, but in the year following presented, for the

[1] Bruce, i. 262, 264, 268. [2] Bruce, i. 264, 269, 290.

BOOK I. CHAP. 2.

1628.

first time, a memorial to the Commons. They represented that, by their failure in the spice trade, and the difficulties they experienced in opening a trade for wove goods on the coast of Coromandel, they were nearly driven from all their factories; and assigned as causes, partly the opposition of the native powers, but chiefly the hostility of the Dutch. The narrowness of their own funds, and their unskilful management, by the negligent Directors of a joint-stock, far more powerful causes, they overlooked or suppressed. They set forth, however, the merits of the Company, as towards the nation, in terms repeated to the present day: they employed many seamen: they exported much goods, as if the capital they employed would have remained idle; as if it would not have maintained seamen, would not have exported goods, had the East India Company, or East India traffic, never existed.[1]

The detention of the ships, and the zeal with which the injury seemed now to be taken up in England, produced explanation and remonstrance on the part of the Dutch: They had appointed judges to take cognizance of the proceedings at Amboyna, even before the parties had returned from Europe: Delay had arisen, from the situation of the judges on whom other services devolved, and from the time required to translate documents written in a foreign tongue: The detention of the ships, the property of private individuals altogether unconcerned with the transaction, might bring unmerited ruin on them, but could not accelerate the proceedings of the judges; on the other hand, by creating national indignation, it would only tend to unfit them for a sober and impartial in-

[1] Bruce, i. 276, 277, 282. Anderson in Macpherson's Annals, ii. 351.

quiry: And were the dispute allowed, unfortunately, to issue in war, however the English in Europe might detain the fleets of the Dutch, the English Company must suffer in India far greater evils than those of which they were now seeking the redress. At last, on a proposal that the States should send to England commissioners of inquiry, and a promise that justice should be speedily rendered, the ships were released. It was afterwards recommended by the ministry, that the East India Company should send over witnesses to Holland to afford evidence before the Dutch tribunal; but to this the Company objected, and satisfaction was still deferred.[1]

In 1627-28, the Company provided only two ships and a pinnace for the outward voyage. They deemed it necessary to assign reasons for this diminution; dreading the inferences which might be drawn: They had many ships in India which, from the obstructions of the Dutch, and the state of their funds, had been unable to return: Though the number of ships was small; the stock would be large, 60,000*l.* or 70,000*l.* in money and goods: And they hoped to bring home all their ships richly laden the following year. In 1628-29, five ships went out; two for the trade with India, and three for that with Persia; and though no account is preserved of the stock with which they were supplied, a petition to the King remains for leave to export 60,000*l.* in gold and silver in the ships destined to Persia. In the succeeding year four ships were sent to Persia, and none to India. Of the stock which they carried with them no account is preserved.[2]

As the sums in gold and silver, which the Company had for several years found it necessary to ex-

[1] Bruce, i. 285, 287. [2] Ib. i. 278, 293.

BOOK I. CHAP. 2.

1629.

port, exceeded the limits to which they were confined by the terms of their charter, they had proceeded annually upon a petition to the king, and a special permission. It was now, however, deemed adviseable to apply for a general license, so large, as would comprehend the greatest amount which on any occasion it would be necessary to send. The sum for which they solicited this permission was 80,000*l.* in silver, and 40,000*l.* in gold; and they recommended, as the best mode of authenticating the privilege, that it should be incorporated in a fresh renewal of their charter; which was accordingly obtained.[1]

Notwithstanding the terms on which the English stood with the Dutch, they were allowed to re-establish their factory at Bantam after the failure of the attempt at Lagundy: a war in which the Dutch were involved with some of the native princes of the island lessened, perhaps, their disposition or their power to oppose their European rivals. As Bantam was now a station of inferior importance to Surat, the government of Bantam was reduced to an agency, dependent upon the Presidency of Surat, which became the chief seat of the Company's government in India. Among the complaints against the Dutch, one of the heaviest was, that they sold European goods cheaper, and bought Indian goods dearer, at Surat, than the English; who were thus expelled from the market. This was to complain of competition, the soul of trade. If the Dutch sold so cheap and bought so dear, as to be losers, all that was necessary was a little patience on the part of the English. The fact was, that the Dutch, trading on a larger capital, and with more economy, were perfectly able to outbid the English both in purchase and sale.

[1] Bruce, 293.

BOOK I. CHAP. 2.

1630.

The English at Surat had to sustain at this time not only the commercial rivalship of the Dutch, but also a powerful effort of the Portuguese to regain their influence in that part of the East. The Viceroy at Goa had in April, 1630, received a reinforcement from Europe of nine ships and 2,000 soldiers, and projected the recovery of Ormus. Some negotiation to obtain the exclusive trade of Surat was tried in vain with the Mogul Governor; and in September an English fleet of five ships endeavoured to enter the port of Swally. A sharp, though not a decisive, action, was fought. The English had the advantage; and, after sustaining several subsequent skirmishes, and one great effort to destroy their fleet by fire, succeeded in landing their cargoes.[1]

[1] Bruce i. 296, 304, 300, 302.

CHAP. III.

From the Formation of the third Joint-stock, in 1632, till the Coalition of the Company with the Merchant Adventurers in 1657.

BOOK I. CHAP. 3.

1632.

IN 1631-32, a subscription was opened for a third joint-stock. This amounted to 420,700*l.*[1] Still we are left in darkness with regard to some important circumstances. We know not in what degree the capital which had been placed in the hands of the Directors by former subscriptions had been repaid; not even if any part of it had been repaid, though the Directors were now without funds to carry on the trade.

With the new subscription, seven ships were fitted out in the same season; but of the money or goods embarked no account remains. In 1633-34, the fleet consisted of five ships; and in 1634-35, of no more than three, the money or goods in both cases unknown.[2]

During this period, however, some progress was made in extending the connexions of the Company with the eastern coast of Hindustan. It was thought adviseable to replace the factory at Masulipatam not long after it had been removed; and certain privileges, which afforded protection from former grievances, were obtained from the King of Golconda, the sovereign of the place. Permission was given by the Mogul Emperor to trade to Pipley in Orissa; and a

[1] Papers in the Indian Register Office. Sir Jeremy Sambrooke's Report on the East India Trade. Bruce, i. 306.

[2] Bruce, i. 306, 320, 323.

BOOK I. CHAP. 3.

1634.

factor was sent from Masulipatam. For the more commodious government of these stations, Bantam was again raised to the rank of a Presidency, and the eastern coast was placed under its jurisdiction. Despairing of success in the contest with the Dutch for the trade of the islands, the Company had, for some time, dispatched their principal fleets to Surat; and the trade with this part of India and with Persia now chiefly occupied their attention. From servants at a vast distance, and the servants of a great and negligent master, the best service could not easily be procured. For this discovery the Directors were indebted, not to any sagacity of their own, but to a misunderstanding among the agents themselves; who, betraying one another, acknowledged that they had neglected the affairs of their employers to attend to their own; and, while they pursued with avidity a private trade for their private benefit, had abandoned that of the Company to every kind of disorder.[1]

As pepper was a product of the Malabar coast, a share was sought in the trade of that commodity, through a channel, which the Dutch would not be able to obstruct: A treaty was concluded, between the English and Portuguese, in 1634-35, and confirmed with additional articles the following year, in which it was ordained that the English should have free access to the ports of the Portuguese, and that the Portuguese should receive from the English factories the treatment of friends.[2]

The Company, like other unskilful, and for that reason unprosperous, traders; had always competitors, of one description or another, to whom they ascribed their own want of success. For several years they had spoken with loud condemnation of the clandestine

[1] Bruce, i. 306, 320, 324, 327. [2] Ib. 325, 334.

BOOK I. CHAP. 3.

1645.

trade carried on by their own servants; whose profits, they said, exceeded their own. Their alarms, with regard to their exclusive privilege, had for some time been sounded; and would have been sounded much louder, but for the ascendancy gained by the sentiments of liberty, the contentions between Charles and his parliament being already high; and the fear that their monopoly would escape the general wreck, with which institutions at variance with the spirit of liberty were threatened, only if its pretensions were prudently kept in the shade. The controversy, whether monopolies, and among others that of the Company, were injurious to the wealth and prosperity of the nation, had already employed the press: but, though the Company had entered boldly enough into the lists of argument, they deemed it their wisest course, at the present conjuncture, not to excite the public attention, by any invidious opposition to the infringements which private adventure was now pretty frequently committing on their exclusive trade.

An event at last occurred which appeared to involve unusual danger. A number of persons, with Sir William Courten at their head, whom the new arrangements with the Portuguese excited to hopes of extraordinary profit, had the art, or the good fortune, to engage in their schemes Endymion Porter, Esq., a gentleman of the bedchamber to the King, who prevailed upon the sovereign himself to accept of a share in the adventure, and to grant his license for a new association to trade with India. The preamble to the license declared that it was founded upon the misconduct of the East India Company, who had accomplished nothing for the good of the nation, in proportion to the great privileges they had obtained, or even to the funds of which they had disposed. This was probably, the general opinion of the nation; nothing

less seeming necessary to embolden the King to such a violation of their charter. Allowing the contrariety to the interests of the nation, the consequences were not so ruinous, but that the stipulated notice of three years might have been given, and a legal end been put to the monopoly. The Company petitioned the King, but without success. They sent, however, instructions to their agents and factors in India, to oppose the interlopers, at least indirectly. An incident occurred of which they endeavoured to avail themselves to the utmost. One of their ships from Surat reported that a vessel of Courten's had seized and plundered two junks belonging to Surat and Diu, and put the crews to the torture. The latter part at least of the story was, in all probability, forged; but the Directors believed, or affected to believe, the whole. In consequence of the outrage, the English President and Council at Surat had been imprisoned, and the property of the factory confiscated to answer for the loss. A memorial was presented to the King, setting forth in the strongest terms, the injuries which the Company sustained by the license to Courten's Association, and the ruin which threatened them unless it were withdrawn. The Privy Council, to whom the memorial was referred, treated the facts alledged, as little better than fabrication, and suspended the investigation till Courten's ships should return.[1]

The arrival of Courten's ships at Surat seems to have thrown the factory into the greatest confusion. It is stated as the cause of a complete suspension of trade on the part of the Company, for the season, at that principal seat of their commercial operations.[2] The inability early and constantly displayed by the

[1] Bruce, i. 329, 387. [2] Ib. 342.

BOOK I. CHAP. 3. Company to sustain even the slightest competition is a symptom of inherent infirmities.

1637. In 1637-38, several of Courten's ships returned, and brought home large investments, which sold with an ample profit to the adventurers. The fears and jealousies of the Company were exceedingly raised. They presented to the crown a petition for protection; placing their chief reliance, it should seem, on the lamentable picture of their own distresses. Their remonstrance was, however, disregarded; a new license was extended to Courten's Association, continuing their privileges for five years; and, to form a line between them and the Company, it was ordained, that neither should they trade at those places where the Company had factories, nor the Company trade at any places at which Courten's Association might have erected establishments.[1]

The Directors, as if they abandoned all other efforts for sustaining their affairs, betook themselves to complaint and petition.[2] They renewed their addresses to the throne: They dwelt upon the calamities which had been brought upon them by competition; first, that of the Dutch, next that of Courten's Association: They endeavoured to pique the honour of the King, by reminding him that the redress which he had demanded from the States General had not been received: And they desired to be at least distinctly informed what line of conduct in regard to their rivals they were required to pursue. The affairs of the King were now at a low ebb; and this may account in part for the tone which the Company assumed with him. A committee of the Privy Council, was formed to inquire into their

[1] Bruce, i. 345, 349. [2] Ib. 349, 350, 353.

complaints; and had instructions to inquire among other particulars, into the means of obtaining reparation from the Dutch, and of accomplishing a union between the Company and Courten's Association. One thing is remarkable, because it shows the unfavourable opinion, held by that Privy Council, of the mode of trading to India by a joint-stock Company: The committee were expressly instructed, "to form regulations for this trade, which might satisfy the noblemen and gentlemen who were adventurers in it; and to vary the principle on which the India trade had been conducted, or that of a general joint-stock, in such a manner as to enable each adventurer to employ his stock to his own advantage, to have the trade under similar regulations with those observed by the Turkey and other English Companies."[1]

The committee of the Privy Council seem to have given themselves but little concern about the trust with which they were invested. No report from them ever appeared. The Company continued indefatigably pressing the King, by petitions and remonstrances. At last they affirmed the necessity of abandoning the trade altogether, if the protection was not afforded for which they prayed. And now their importunity prevailed. On the condition that they should raise a new joint-stock, to carry on the trade on a sufficient scale, it was agreed that Courten's license should be withdrawn.[2]

On this occasion we are made acquainted incidentally with an important fact; that the Proprietors of the third joint-stock had made frequent but unavailing calls upon the Directors to close that concern, and bring home what belonged to it in India.[3] For the first time, we learn that payment was demanded of

[1] Bruce, 353, 354. [2] Ib. i. 355, 361, 362. [3] Ib. 363.

BOOK I. CHAP. 3.

1638.

the capital of those separate funds, called the joint-stocks of the Company. Upon this occasion a difficult question might have presented itself. It might have been disputed to whom the immoveable property of the Company, in houses and in lands, both in India and in England, acquired by parts indiscriminately, of all the joint-stocks, belonged. Amid the confusion which pervaded all parts of the Company's affairs, this question had not begun to be agitated: but to encourage subscription to the new joint-stock, it was laid down as a condition, "That to prevent inconvenience and confusion, the old Company or adventurers in the third joint-stock should have sufficient time allowed for bringing home their property, and should send no more stock to India, after the month of May."[1] It would thus appear, that the Proprietors of the third joint-stock and by the same rule the Proprietors of all preceding stock, were without any scruple, to be deprived of their share in what is technically called the *dead stock* of the Company, though it had been wholly purchased with their money. There was another condition, to which inferences of some importance may be attached; the subscribers to the new stock were themselves, in a general court, to elect the Directors to whom the management of the fund should be committed, and to renew that election annually.[2] As this was a new Court of Directors, entirely belonging to the fourth joint-stock, it seems to follow that the Directors in whose hands the third joint-stock had been placed, must still have remained in office, for the winding up of that concern. And, in that case, there existed, to all intents and purposes, two

[1] Preamble to a subscription for a new joint-stock for trade to the East Indies, 28th January, 1640, (East India Papers in the State Paper Office,) Bruce, i. 364.
[2] Ib.

East India Companies, two separate bodies of Proprietors, and two separate Courts of Directors, under one charter.

So low, however, was the credit of East India adventure, under joint-stock management, now reduced, that the project of a new subscription almost totally failed. Only the small sum of 22,500*l.* was raised. Upon this a memorial was presented to the King, but in the name of whom; whether of the new subscribers, or the old; whether of the Court of Directors belonging to the old joint-stock, or of a Court of Directors chosen for the new, does not appear. It set forth a number of unhappy circumstances, to which was ascribed the distrust which now attended joint-stock adventures to India; and it intimated, but in very general terms, the necessity of encouragement, to save that branch of commerce from total destruction.

In the mean time a heavy calamity fell upon the Proprietors of the third joint-stock. The King having resolved to draw the sword for terminating the disputes between him and his people; and finding himself destitute of money; fixed his eyes, as on the most convenient mass of property within his reach, on the magazines of the East India Company. A price being named, which was probably a high one, he bought upon credit the whole of their pepper, and sold it again at a lower price for ready money.[1] Bonds, four in number, one of which was promised to be paid every six months, were given by the farmers of the customs and Lord Cottington for the amount; of which only a small portion seems ever to have been paid. On a pressing application, about the beginning of the year 1642, it was stated, that 13,000*l.* had

[1] See Bruce, i. 371. The quantity was, 607,522 bags, bought at 2*s.* 1*d.* per pound, total 63,283*l.* 11*s.* 1*d.*; sold at 1*s.* 8*d.* per pound; total 50,626*l.* 17*s.* 1*d.*

BOOK I. CHAP. 3. 1642. been allowed them out of the duties they owed; the remainder the farmers declared it to be out of their power to advance. A prayer was presented that the customs, now due by them, amounting to 12,000*l.*, might be applied in liquidation of the debt; but for this they were afterwards pressed by the parliament. The King exerted himself to protect the parties who stood responsible for him; and what the Company were obliged to pay to the parliament, or what they succeeded in getting from the King or his sureties, no where appears.[1]

About the period of this abortive attempt to form a new joint-stock, a settlement was first effected at Madras; the only station as yet chosen, which was destined to make a figure in the future history of the Company. The desire of a place of strength on the coast of Coromandel, as a security both to the property of the Company and the persons of their agents, had suggested, some years ago, the fortification of Armegum. On experience, Armegum was not found a convenient station for providing the piece goods,[2] for which chiefly the trade to the coast of Coromandel was pursued. In 1740-41, the permission of the local native chief to erect a fort at Madraspatam was, therefore, eagerly embraced. The works were begun, and the place named Fort St. George; but the measure was not approved by the Directors.[3]

Meanwhile the trade was languishing, for want of funds. The agents abroad endeavoured to supply, by loans, the failure of receipts from home.[4]

An effort was made in 1642-43 to aid the weakness of the fourth joint-stock by a new subscription. The

[1] Bruce, i. 379, 380.

[2] *Piece goods* is the term which, latterly at least, has been chiefly employed by the Company and their agents to denote the muslins and wove goods of India and China in general.

[3] Bruce, i. 377, 393. [4] Ib. 385.

1648.

sum produced was 105,000*l.*; but whether including or not including the previous subscription does not appear. This was deemed no more than what was requisite for a single voyage: of which the Company thought the real circumstances might be concealed under a new name. They called it, the *First General Voyage.*[1] Of the amount, however, of the ships, or the distribution of the funds, there is no information on record. For several years, from this date, no account whatever is preserved of the annual equipments of the Company. It would appear from instructions to the agents abroad, that, each year, funds had been supplied; but from what source is altogether unknown. The instructions sufficiently indicate that they were small; and for this the unsettled state of the country, and the distrust of Indian adventure, will sufficiently account.

In 1644, the Dutch followed the example of the English in forming a convention with the Portuguese at Goa. Though it is not pretended that in this any partiality was shown to the Dutch, or any privilege granted to them which was withheld from the English, the Company found themselves, as usual, unable to sustain competition, and complained of this convention as an additional source of misfortune.[2]

In 1647-48, when the power of the parliament was supreme, and the King a prisoner in the Isle of Wight, a new subscription was undertaken, and a pretty obvious policy was pursued. Endeavours were used to get as many as possible of the members of parliament to subscribe. If the members of the ruling body had a personal interest in the gains of the Company, its privileges would not fail to be both protected and enlarged. An advertisement, which fixed the time

[1] Bruce, 389, 390. [2] Ib. 407, 412, 423.

BOOK I. CHAP. 3.

1650.

beyond which ordinary subscribers would not be received, added, that, in deference to members of parliament, a further period would be allowed to them, to consider the subject, and make their subscriptions.[1]

It appears not that any success attended this effort; and in 1649-50, the project of completing the fourth joint-stock was renewed, partly as a foundation for an application to the Council of State, partly in hopes that the favours expected from the Council would induce the public to subscribe.[2]

In the memorial, presented on this occasion to the ruling powers, Courten's Association was the principal subject of complaint. The consent of the King, in 1639, to withdraw the license granted to those rivals, had not been carried into effect; nor had the condition on which it had been accorded, that of raising a respectable joint-stock, been fulfilled. The destruction, however, to which the Association of Courten saw themselves at that time condemned, deprived them of the spirit of enterprise: with the spirit of enterprise, the spirit of vigilance naturally disappeared: their proceedings from the time of this condemnation had been feeble and unprosperous: but their existence was a grievance in the eyes of the Company; and an application which they had recently made for permission to form a settlement on the island of Assada, near Madagascar, kindled anew the Company's jealousies and fears. What the Council proposed to both parties was, an agreement. But the Assada merchants, so Courten's Association were now denominated, regarded joint-stock management with so much aversion, that, low as the condition was to which they had fallen, they preferred a separate trade on their own funds to incorporation

[1] Bruce, i. 423. [2] Ib. 434.

with the Company.[1] To prove, however, their desire of accommodation, they proposed certain terms, on which they would submit to forego the separate management of their own affairs. BOOK I. CHAP. 3. 1650.

Objections were offered on the part of the Company; but, after some discussion, a union was effected, nearly on the terms which the Assada merchants proposed.[2] Application was then made for an act to confirm and regulate the trade. The parliament passed a resolution, directing it to be carried on by a joint-stock; but suspending for the present all further decision on the Company's affairs.[3] A stock was formed, which, from the union recently accomplished, was denominated *the united joint-stock;* but in what manner raised, or how great the sum, is not disclosed. All we know for certain is, that two ships were fitted out in this season, and that they carried bullion with them to the amount of 60,000*l.*[4]

The extreme inconvenience and embarrassment which arose from the management, by the same agents, in the same trade, of a number of separate capitals, belonging to separate associations, began now to make themselves seriously and formidably felt. From each of the presidencies complaints arrived of the difficulties, or rather the impossibilities, which they were required to surmount; and it was urgently recommended to obtain, if it were practicable, an act of parliament to combine the whole of these separate stocks.[5] Under this confusion, we have hardly any information respecting the internal transactions of the company at home. We know not so much as how the Courts of Directors were formed; whether there was a body of Directors for each separate fund, or only one body for the whole;

[1] Bruce, i. 435. 436. [2] Ib. 437, 438. [3] Ib. 439, 440.
[4] Ib. 440. [5] Ib. 441.

BOOK I. CHAP. 3.

1652.

and if only one Court of Directors, whether they were chosen by the voices of the contributors to all the separate stocks, or the contributors to one only; whether, when a Court of Proprietors was held, the owners of all the separate funds met in one body, or the owners of each separate fund met by themselves, for the regulation of their own particular concern.[1]

In 1651-52, the English obtained in Bengal the first of those peculiar privileges, which were the forerunners of their subsequent power. Among the persons belonging to the factories, whom there was occasion to send to the Imperial Court, it happened that some were surgeons; one of whom is particularly named, a gentleman of the name of Boughton. Obtaining great influence, by the cures which they effected, they employed their interest in promoting the views of the Company. Favourable circumstances were so well improved, that, on the payment of 3000 rupees, a government license for an unlimited trade, without payment of customs, in the richest province of India, was happily obtained.[2]

On the Coromandel coast, the wars, which then raged among the natives, rendered commerce difficult and uncertain; and the Directors were urged by the agent at Madras, to add to the fortifications. This they refused, on the ground of expense. As it was inconvenient, however, to keep the business of this coast dependant on the distant settlement of Bantam, Fort St. George was erected into a presidency in 1653-54.[3]

[1] If we hear of committees of the several stocks; the bodies of Directors were denominated committees. And if there were committees of the several stocks, how were they constituted? were they committees of Proprietors, or committees of Directors? And were there any managers or Directors besides?

[2] Bruce, i. 466, 463.

[3] Ib. 454, 462, 484.

When the disputes began, which ended in hostilities between Cromwell and the Dutch, the Company deemed it a fit opportunity to bring forward those claims of theirs which, amid the distractions of the government, had lain dormant for several years. The war which succeeded, favourable to the British arms in Europe, was extremely dangerous, and not a little injurious, to the feeble Company in India. On the appearance of a Dutch fleet of eight large ships off Swally, in 1653-54, the English trade at Surat was suspended. In the Gulf of Persia, three of the Company's ships were taken, and one destroyed. The whole of the coasting trade of the English, consisting of the interchange of goods from one of their stations to another, became, under the naval superiority of the Dutch, so hazardous, as to be nearly suspended; and at Bantam, traffic seems to have been rendered wholly impracticable.[1]

As Cromwell soon reduced the Dutch to the necessity of desiring peace; and of submitting to it on terms nearly such as he thought proper to dictate; a clause was inserted in the treaty concluded at Westminster in 1654, in which they engaged to conform to whatever justice might prescribe regarding the massacre at Amboyna. It was agreed to name commissioners, four on each side, who should meet at London, and make an adjustment of the claims of the two nations. One remarkable, and not an ill-contrived condition was, that if the appointed commissioners should, within a specified time, be unable to agree, the differences in question should be submitted to the judgment and arbitration of the Protestant Swiss Cantons.[2]

The Commissioners met on the 30th of August, 1654. The English Company, who have never

[1] Bruce, i. 458, 482, 484, 485. [2] Ib. 48.

BOOK I. CHAP. 3.

1654.

found themselves at a loss to make out heavy claims for compensation, whether it was their own government, or a foreign, with which they had to deal, stated their damages, ascertained by a series of accounts, from the year 1611 to the year 1652, at the vast amount of 2,695,999*l.* 15*s.* The Dutch, however, seem to have been a match for them. They too had their claims for compensation, on account of joint expenses not paid, or injuries and losses sustained, amounting to 2,919,861*l.* 3*s.* 6*d.* It is impossible to pronounce with accuracy on the justice, comparative or absolute, of these several demands. There is no doubt that both were excessively exaggerated. But if we consider, that, under the domineering ascendancy which the Protector had acquired, it was natural for the English to overbear, and expedient for the Dutch to submit; while we observe, that the award pronounced by the Commissioners, allotted to the English no more than 85,000*l.*, to be paid by two instalments, we shall not find any reason, distinct from national partiality, to persuade us, that the balance of extravagance was greatly on the side of the Dutch. All the satisfaction obtained for the massacre of Amboyna, even by the award of the same Commissioners, was 3,615*l.*, to be paid to the heirs or executors of those who had suffered.[1] Polaroon was given up to the English, but not worth receiving.

Various occurrences strongly mark the sense which appears to have been generally entertained, of the unprofitable nature of joint-stock. That particular body of proprietors, including the Assada merchants, to whom the united joint-stock belonged, presented to the Council of State, in 1654, two separate petitions; in which they prayed, that the East India

[1] Bruce, i. 491.

BOOK I. CHAP. 3.

1654.

Company should no longer proceed exclusively on the principle of a joint-stock trade, but that the owners of the separate funds should have authority to employ their own capital, servants, and shipping, in the way which they themselves should deem most to their own advantage.[1] The power and consequence of the Directors were threatened; and they hastened to present those pleas, which are used as their best weapons of defence to the present day. Experience had proved the necessity of a joint-stock; since the trade had been carried on by a joint-stock during forty years: Such competitions as those with the Portuguese and the Dutch could only be supported by the strength of a joint-stock: The equipments for the India trade required a capital so large as a joint-stock alone could afford: The failure of Courten's experiment proved that voyages on any other principle could not succeed: The factories requisite for the Indian trade could be established only by a joint-stock, the East India Company having factories in the dominions of no less than fourteen different sovereigns: The native princes required engagements to make good the losses which they or their subjects might sustain at the hand of Englishmen: and to this a joint-stock company alone was competent.

On these grounds, they not only prayed that the trade by joint-stock should be exclusively continued; but that, as it had been impracticable for some time to obtain sufficient subscriptions, additional encouragement should be given by new privileges; and,

[1] The reasons on which they supported their request, as stated in their petition, exhibit so just a view of the infirmities of joint-stock management, as compared with that of individuals pursuing their own interests, that they are highly worthy of inspection as a specimen of the talents and knowledge of the men by whom joint-stock was now opposed. See Bruce, i. 518.

BOOK I. CHAP. 3.

1654.

in particular, that assistance should be granted, sufficient to enable them to recover and retain the Spice Islands.[1]

In their reply, the body of petitioners, who were now distinguished by the name of Merchant Adventurers, chiefly dwelt upon the signal want of success which had attended the trade to India, during forty years of joint-stock management. They asserted, that private direction and separate voyages would have been far more profitable; as the prosperity of those open Companies, the Turkey, Muscovy, and Eastland Companies, sufficiently proved. They claimed a right, by agreement, to a share in the factories and privileges of the Company in India; and stated, that they were fitting out fourteen ships for the trade.[2] They might have still further represented, that every one of the arguments advanced by the Directors, without even a single exception, was a mere assumption of the thing to be proved. That the trade had, during forty years, or four hundred years, been carried on by a joint-stock, proved not that, by a different mode, it would not have yielded much greater advantage: if the trade had been in the highest degree unprosperous, it rather proved that the management had been proportionally defective. The Directors asserted, that in meeting competition, private adventure would altogether fail; though with their joint-stock they had so ill sustained competition, that Courten's Association had threatened to drive them out of every market in which they had appeared: and they themselves had repeatedly and solemnly declared to government, that unless the license to Courten were withdrawn, the ruin of the East India Company was sure.

[1] Bruce, i. 492, 493. [2] Ib. i. 494.

With regard to *mercantile* competition, at any rate, the skill and vigilance of individuals transacting for their own interest was sure to be a more powerful instrument than the imbecility and negligence of joint-stock management: and as to *warlike* competition, a few ships of war, with a few companies of marines, employed by the government, would have yielded far more security than all the efforts which a feeble joint-stock could make. The failure of Courten's Association was sufficiently accounted for by the operation of particular causes, altogether distinct from the general circumstances of the trade; the situation, in fact, in which the jealousy and influence of the Company had placed them. Factories were by no means so necessary as the Company ignorantly supposed, and interestedly strove to make others believe; as they shortly after found to their cost, when they were glad to reduce the greater number of those which they had established. Where factories were really useful, it would be for the interest of all the traders to support them. And all would join in an object of common utility in India, as they joined in every other quarter of the globe. As to the native princes, there was no such difficulty as the Company pretended: nor would individual merchants have been less successful than the directors of a joint-stock, in finding the means of prosecuting the trade.

These contending pretensions were referred to a committee of the Council of State; and they, without coming to a decision, remitted the subject to the Protector and Council, as too difficult and important for the judgment of any inferior tribunal.[1]

Nothing could exceed the confusion which, from the clashing interests of the owners of the separate

[1] Bruce, i. 503.

BOOK I. CHAP. 3. 1655.

stock, now raged in the Company's affairs. There were no less than three parties who set up claims to the Island of Polaroon, and to the compensation money which had been obtained from the Dutch; the respective proprietors of the third, fourth, and united joint-stocks. The proprietors of the third joint-stock claimed the whole, as the fourth joint-stock and the united stock were not in existence at the time when the debt obtained from the Dutch was incurred; and they prayed that the money might be lodged in safe and responsible hands, till government should determine the question. The owners of the two other stocks demanded that the money should be divided into three equal shares, for the three several stocks, and that they should all have equal rights to the Island of Polaroon.

Five arbitrators, to whom the dispute was referred, were chosen by the Council of State. In the mean time Cromwell proposed to borrow the 85,000*l.* which had been paid by the Dutch, and which could not be employed till adjudged to whom it belonged.

The Directors, however, had expected the fingering of the money, and they advanced reasons why it should be immediately placed in their hands. The pecuniary distresses of the Company were great: The different stocks were 50,000*l.* in debt; and many of the proprietors were in difficult circumstances: From gratitude to the Protector, however, they would make exertions to spare him 50,000*l.* to be repaid in eighteen months by instalments, provided the remaining 35,000*l.* were immediately assigned them, to pay their most pressing debts, and make a dividend to the Proprietors.[1] It thus appears, that these Directors wanted to forestall the

[1] Bruce, i. 503, 504.

decision of the question; and to distribute the money at their own pleasure, before it was known to whom it belonged. At the same time, it is matter of curious uncertainty, who these Directors were, whom they represented, by what set or sets of Proprietors they were chosen, or to whom they were responsible.

While this dispute was yet undecided, the Merchant Adventurers, or Proprietors of the united stock, obtained a commission from the Protector to fit out four ships for the Indian trade, under the management of a committee.[1] We are made acquainted upon this occasion with a very interesting fact. The news of this event being carried to Holland, it was interpreted, and understood, by the Dutch, as being an abolition of the exclusive charter, and the adoption of the new measure of a free and open trade. The interests of the Dutch Company made them see, in this supposed revolution, consequences very different from those which the interests of the English Directors made them behold or pretend that they beheld in it. Instead of rejoicing at the loss of a joint-stock in England, as they ought to have done, if by joint-stock alone the trade of their rivals could be successfully carried on; they were filled with dismay at the prospect of freedom, as likely to produce a trade with which competition on their part would be vain.[2]

Meanwhile the Company, as well as the Merchant Adventurers, were employed in the equipment of a

[1] Bruce, i. 508.

[2] Thurloe's State Papers, iii. 80. Anderson says, "The merchants of Amsterdam having heard that the Lord Protector would dissolve the East India Company at London, and declare the navigation and commerce to the Indies to be free and open, were greatly alarmed, considering such a measure as ruinous to their own East India Company." Anderson's History of Commerce, in Macpherson's Annals, ii. 459. See Bruce, i. 518.

BOOK I. CHAP. 3.

1656.

fleet. The petition of the Company to the Protector for leave to export bullion, specified the sum of 15,000*l.*: and the fleet consisted of three ships. They continued to press the government for a decision in favour of their exclusive privileges; and in a petition which they presented in October, 1656, affirmed, that the great number of ships sent by individuals under licenses, had raised the price of India goods from 40 to 50 per cent. and reduced that of English commodities in the same proportion. The Council resolved at last to come to a decision. After some inquiry, they gave it as their advice to the Protector to continue the exclusive trade and the joint-stock; and a committee of the Council was in consequence appointed, to consider the terms of a charter.[1]

While the want of funds almost annihilated the operations of the Company's agents in every part of India; and while they complained that the competition of the ships of the Merchant Adventurers rendered it, as usual, impracticable for them to trade with a profit in the markets of India, the Dutch pursued their advantages against the Portuguese. They had acquired possession of the island of Ceylon, and in the year 1656-57, blockaded the port of Goa, after which they meditated an attack upon the small island of Diu, which commanded the entrance into the harbour of Swally. From the success of these plans they expected a complete command of the navigation on that side of India, and the power of imposing on the English trade duties under which it would be unable to stand.[2]

[1] Bruce, i. 514—516.

[2] Ib. 522—529.

CHAP. IV.

From the Coalition between the Company and the Merchant Adventurers, till the Project for a new and a rival East India Company.

BOOK I. CHAP. 4. 1658.

AFTER the decision of the Council of State in favour of the joint-stock scheme of trading to India, the Company and the Merchant Adventurers effected a coalition. On the strength of this union a new subscription, in 1657-58, was opened, and filled up to the amount of 786,000*l.*[1] Whether the expected charter had been actually received is not ascertained.

The first operation of the new body of subscribers was the very necessary one of forming an adjustment with the owners of the preceding funds. A negotiation was opened for obtaining the transfer of the factories, establishments, and privileges in India. After the lofty terms in which the Directors had always spoken of these privileges and possessions, when placing them in the list of reasons for opposing an open trade, we are apt to be surprised at the smallness of the sum which, after all, and "though situated in the dominions of fourteen different sovereigns," they were found to be worth. They were made over in full right for 20,000*l.*, to be paid in two instalments. The ships, merchandise in store, and other trading commodities of the preceding adventurers were taken by the new subscribers at a price; and it was agreed that the sharers in the former trade, who on that account had property in the Indies, should

[1] Bruce, i. 529.

BOOK I. CHAP. 4. 1659. not traffic on a separate fund, but, after a specified term, should carry the amount of such property to the account of the new stock.[1] There was, in this manner, only one stock now in the hands of the Directors, and they had one distinct interest to pursue: a prodigious improvement on the preceding confusion and embarrassment, when several stocks were managed, and as many contending interests pursued, at once.

Some new regulations were adopted for the conduct of affairs. The whole of the factories and presidencies were rendered subordinate to the President and Council at Surat. The presidencies, however, at Fort St. George and at Bantam were continued; the factories and agencies on the Coromandel coast and in Bengal being made dependent on the former, and those in the southern islands on the latter.[2]

As heavy complaints had been made of trade carried on, for their own account, by the agents and servants of the Company, who not only acted as the rivals, but neglected and betrayed the interests, of their masters, it was prohibited, and, in compensation, additional salaries allowed.[3]

After these preliminary proceedings, the first fleet was dispatched. It consisted of five ships; one for Madras carrying 15,500*l.* in bullion; one for Bengal; and three for Surat, Persia, and Bantam.[4] The following year, that is the season 1658-59, one ship was consigned to Surat, one to Fort St. George, and two to Bantam. The latter were directed to touch at Fort St. George to obtain coast clothes for the islands, and to return to Bengal and Fort St. George to take in Bengal and Coromandel goods for Europe.

[1] Bruce, i. 529, 530.
[2] Bruce, i. 532.
[3] Ib.
[4] Ib. 533.

Instructions were given to make great efforts for recovering a share of the spice trade.[1] Bantam, however, was at this time blockaded by the Dutch, and no accounts were this year received of the traffic in the southern islands.[2]

The operations of the new joint-stock were not more prosperous than those of the old. Transactions at the several factories were feeble and unsuccessful. For two years, 1659-60, and 1660-61, there is no account of the Company's equipments; and their advances to India were no doubt small.[3] "The embarrassed state of the Company's funds at this particular period," says Mr. Bruce, "may be inferred from the resolutions they had taken to relinquish many of their out-stations, and to limit their trade in the Peninsula of India to the presidencies of Surat and Fort St. George, and their subordinate factories."[4]

Meanwhile Cromwell had died, and Charles II. ascended the throne. Amid the arrangements which took place between England and the continental powers, the Company were careful to press on the attention of government a list of grievances, which they represented themselves as still enduring at the hands of the Dutch; and an order was obtained, empowering them to take possession of the island of Polaroon. They afterwards complained that it was delivered to them in such a state of prepared desola-

[1] Bruce, 539, 540. The state of interest, both in India and England, appears incidentally in the accounts received by the Company from the agents at Surat, in the year 1658-59. These agents, after stating the narrowness of the funds placed at their disposal, recommend to the Directors rather to borrow money in England, which could easily be done at 4 per cent., than leave them to take up money in India at 8 or 9 per cent. Ib. 542.

[2] Ib. 544. [3] Ib. 549—551. [4] Ib. 555.

BOOK I. CHAP. 4. tion, as to be of no value.[1] The truth is, it was of little value at best.

1661. On every change in the government of the country, it had been an important object with the Company to obtain a confirmation of their exclusive privileges. The usual policy was not neglected, on the accession of Charles II.; and a petition was presented to him for a renewal of the East India charter. As there appears not to have been, at that time, any body of opponents to make interest or importunity for a contrary measure, it was far easier to grant without inquiry, than to inquire and refuse; and Charles and his ministers had a predilection for easy rules of government. A charter, bearing date the 3d of April, 1661, was accordingly granted, confirming the ancient privileges of the Company, and vesting in them authority to make peace and war with any prince or people, not being Christians; and to seize unlicensed persons within their limits, and send them to England.[2] The two last were important privileges; and, with the right of administering justice, consigned almost all the powers of government to the discretion of the Directors and their servants.

It appears not that, on this occasion, the expedient of a new subscription for obtaining a capital was attempted. A new adjustment with regard to the privileges and dead stock in India would have been required. The joint-stock was not as yet a definite and invariable sum, placed beyond the power of resumption, at the disposal of the Company, the shares only transferable by purchase and sale in the market. The capital was variable and fluctuating; formed by the sums which, on the occasion of each voyage, the

[1] Bruce, i. 553, 554.   [2] Ib. 557.

individuals, who were free of the Company, chose to pay into the hands of the Directors, receiving credit for the amount, in the Company's books, and proportional dividends on the profits of the voyage. Of this stock 500*l.* entitled a proprietor to a vote in the general courts; and the shares were transferable, even to such as were not free of the Company, upon paying 5*l.* for admission.[1]

Of the amount either of the shipping or stock of the first voyage upon the renewed charter we have no account; but the instructions sent to India prescribed a reduction of the circle of trade. In the following year, 1662-63, two ships sailed for Surat, with a cargo in goods and bullion, amounting to 65,000*l.*, of which it would appear that 28,300*l.* was consigned to Fort St. George. Next season there is no account of equipments. In 1664-65, two ships were sent out with the very limited value of 16,000*l.* The following season the same number only of ships was equipped; and the value in money and goods consigned to Surat was 20,600*l.*; whether any thing in addition was afforded to Fort St. George does not appear; there was no consignment to Bantam. In 1666-67, the equipment seems to have consisted but of one vessel, consigned to Surat with a value of 16,000*l.*[2]

With these inadequate means, the operations of the Company in India were by necessity languid and humble. At Surat, the out-factories and agencies were suppressed. Instructions were given to sell the English goods, at low rates, for the purpose of ruining the interlopers. The Dutch, however, revenged the private traders; and, by the competition of their power-

[1] Anderson's Hist. of Commerce in Macpherson's Annals, ii. 495, 605.
[2] Bruce, ii. 108, 119, 152, 186.

BOOK I. CHAP. 4.

1662-67.

ful capital, rendered the Company's business difficult and unprofitable.[1] On the Coromandel coast the wars among the native chiefs, and the overbearing influence of the Dutch, cramped, and threatened to extinguish the trade of the English. And at Bantam, where the Dutch power was most sensibly felt, the feeble resources of their rivals hardly sufficed to keep their business alive.[2]

During these years of weakness and obscurity, several events occurred, which by their consequences proved to be of considerable importance. The island of Bombay was ceded to the King of England as part of the dowry of the Infanta Catharine; and a fleet of five men of war commanded by the Earl of Marlborough, with 500 troops commanded by Sir Abraham Shipman, were sent to receive the possession. The armament arrived at Bombay on the 18th September, 1662; but the Governor evaded the cession. The English understood the treaty to include Salsette and the other dependencies of Bombay. As it was not precise in its terms, the Portuguese denied that it referred to any thing more than the island of Bombay. Even Bombay they refused to give up, till further instructions, on the pretext that the letters or patent of the King did not accord with the usages of Portugal. The commander of the armament applied in this emergency to the Company's President to make arrangements for receiving the troops and ships at Surat, as the men were dying by long confinement on board. But that magistrate represented the danger of incurring the suspicion of the Mogul government, which would produce the seizure of the Company's investment, and the expulsion of their servants from the country. In these circumstances the Earl

[1] Bruce, 110, 138, 157, 158, 174. [2] Ib. ii. 130, 159.

of Marlborough took his resolution of returning with the King's ships to England; but Sir Abraham Shipman, it was agreed, should land the troops on the island of Angedivah, twelve leagues distant from Goa. On the arrival of the Earl of Marlborough in England in 1663, the King remonstrated with the government of Portugal, but obtained unsatisfactory explanations; and all intention of parting with the dependencies of Bombay was denied. The situation in the mean time of the troops at Angedivah proved extremely unhealthy; their numbers were greatly reduced by disease; and the commander made offer to the President and Council at Surat, to cede the King's rights to the Company. This offer, on consultation, the President and Council declined; as well because, without the authority of the King, the grant was not valid, as because, in their feeble condition, they were unable to take possession of the place. After Sir Abraham Shipman and the greater part of the troops had died by famine and disease, Mr. Cooke, on whom the command devolved, accepted of Bombay on the terms which the Portuguese were pleased to prescribe; renounced all claim to the contiguous islands: and allowed the Portuguese exemption from the payment of customs. This convention the King refused to ratify, as contrary to the terms of his treaty with Portugal; but sent out Sir Gervase Lucas to assume the government of the place. As a few years' experience showed that the government of Bombay cost more than it produced, it was once more offered to the Company: and now accepted. The grant bears date in 1668. Bombay was " to be held of the King in free and common soccage, as of the manor of East Greenwich, on the payment of the annual rent of 10*l.* in gold, on the 30th of September, in each year;" and with the place itself was conveyed

BOOK I. CHAP. 4. authority to exercise all political powers, necessary for its defence and government.[1]

1663-68. Subterfuges of a similar kind were invented by the Dutch to evade the cession of the island of Polaroon. The Governor pretended that he could not deliver up the island without instructions from the Governor of Banda; and the Governor of Banda pretended that he could not give such instructions without receiving authority from the Governor-General of Batavia. After much delay and negotiation the cession was made in 1665; but not, if we believe the English accounts, till the Dutch had so far exterminated the inhabitants and the spice trees, that the acquisition was of little importance. On the recommencement, however, of hostilities between England and Holland, the Dutch made haste to expel the English, and to re-occupy the island. And by the treaty of Breda, both Polaroon and Damm, on which the English had attempted an establishment, were finally ceded to the Dutch.[2]

In the beginning of 1664, Sevagee, the founder of the Mharatta power, in the course of his predatory warfare against the territories of the Mogul Sovereign, attacked the city of Surat. The inhabitants fled, and the Governor shut himself up in the castle. The Company's servants, however, taking shelter in the factory, stood upon their defence, and having called in the ships' crews to their aid, made so brave a resistance that Sevagee retired after pillaging the town. The gallantry and success of this enterprise so pleased the Mogul government, as to obtain its thanks to the President, and new privileges of trade to the Company. The place was again approached by the same

[1] Bruce, ii. 104, 106, 126, 134, 141, 155, 168, 199. Macpherson's Annals, ii. 503.

[2] Bruce, ii. 132, 161, 184, 198.

destructive enemy in 1670, when the principal part of the Company's goods were transported to Swally, and lodged on board the ships. The English again defended themselves successfully, though some lives were lost, as well as some property in their detached warehouses.[1]

At this period occurred one of the first instances of refractory and disobedient conduct on the part of the Company's servants. This is a calamity to which they have been much less frequently exposed, than, from the distance and employment of those servants, it would have been reasonable to expect. The efforts of the Directors to suppress the trade, which their agents carried on for their own account, had not been very successful. Sir Edward Winter, the chief servant at Fort St. George, was suspected of this delinquency, and in consequence recalled. When Mr. Foxcroft, however, who was sent to supersede him, arrived at Fort St. George, in June, 1665, Sir Edward, instead of resigning, placed his intended successor in confinement, under a pretext which it was easy to make, that he had uttered disloyal expressions against the King's government. Notwithstanding remonstrances and commands, he maintained himself in the government of the place till two ships arrived, in August, 1668, with peremptory orders from the Company, strengthened by a command from the King, to resign; when his courage failed him, and he complied. He retired to Masulipatam, a station of the Dutch, till the resentment excited against him in England should cool: and his name appears no more in the annals of the Company.[2]

In Bengal the English factory at Hoogley had been involved in an unhappy dispute with the Mogul

[1] Bruce, 144, 145, 284. [2] Ib. ii. 179, 245.

BOOK I. CHAP. 4. 1663-68. government, on account of a junk which they imprudently seized on the river Ganges. For several years this incident had been used as a pretext for molesting them. In 1662-63, the chief at Madras sent an agent to endeavour to reconcile them with Meer Jumlah, the Nabob of Bengal;. and to establish agencies at Balasore and Cossimbuzar.[1] The Company's funds, however, were too confined to push to any extent the trade of the rich province of Bengal.

The scale was very small on which, at this time, the Company's appointments were formed. In 1662, Sir George Oxenden was elected to be "President and chief Director of all their affairs at Surat, and all other their factories in the north parts of India, from Zeilon to the Red Sea," at a salary of 300*l.* and with a gratuity of 200*l.* per annum as compensation for private trade. Private trade in the hands of the servants, and still more in those of others, the Company were now most earnestly labouring to suppress. Directions were given to seize all unlicensed traders and send them to England; and no exertion of the great powers entrusted to the Company was to be spared, to annihilate the race of merchants who trenched upon the monopoly, and to whom, under the disrespectful name of interlopers, they ascribed a great part of their imbecility and depression.[2]

Their determination to crush all those of their countrymen who dared to add themselves to the list of their competitors, failed not to give rise to instances of great hardship and calamity. One was rendered famous by the altercation which in 1666 it produced between the two houses of parliament. Thomas Skinner, a merchant, fitted out a vessel in 1657. The agents of the Company seized his ship and mer-

[1] Bruce, i. 560; ii. 110, 131. [2] Ib. ii. 107—109.

chandize in India, his house, and the island of Barella, which he had bought of the King of Jambee. They even denied him a passage home; and he was obliged to travel over land to Europe. The sufferer failed not to seek redress, by presenting his complaint to the government, and after some importunity it was referred first to a committee of the Council, and next to the House of Peers. When the Company were ordered to answer, they refused to acknowledge the jurisdiction of the Peers, on the ground that they were only a court of appeal, and not competent to decide in the first resort. The objection was over-ruled. The Company appealed to the House of Commons; the Lords were highly inflamed; and, proceeding to a decision, awarded to the petitioner 5,000*l.* The Commons were now enraged in their turn; and being unable to gratify their resentments upon the House of Peers, which was the cause of them, they were pleased to do so upon the unfortunate gentleman who had already paid so dearly for the crime (whatever its amount) of infringing the Company's monopoly. He was sent a prisoner to the Tower. The Lords, whom these proceedings filled with indignation, voted the petition of the Company to the Lower House to be false and scandalous. Upon this the Commons resolved that whoever should execute the sentence of the other house in favour of Skinner, was a betrayer of the rights and liberties of the Commons of England, and an infringer of the privileges of their house. To such a height did these contentions proceed, that the King adjourned the parliament seven times; and when the controversy after an intermission revived, he sent for both houses to Whitehall, and by his personal persuasion induced them to erase from their journals all their votes, resolutions, and other acts relating to the subject. A contest, of which both parties were tired,

BOOK I. CHAP. 4. 1663-68.

being thus ended, the sacrifice and ruin of an individual appeared, as usual, of little importance: Skinner had no redress.[1]

Another class of competitors excited the fears and jealousies of the Company. Colbert, the French minister of finance, among his projects for rendering his country commercial and opulent, conceived, in 1664, the design of an East India Company. The report which reached the Court of Directors in London represented the French as fitting out eight armed vessels for India, commanded by Hubert Hugo, whom in their instructions to the settlements abroad, the Directors described as a Dutch pirate. The hostilities of the Company were timid. They directed their agents in India to afford these rivals no aid or protection, but to behave towards them with circumspection and delicacy. The subservience of the English government to that of France was already so apparent, as to make them afraid of disputes in which they were likely to have their own rulers against them.[2]

The war which took place with Holland in 1664, and which was followed in 1665 by a temporary quarrel with France, set loose the powers of both nations against the Company in India. The French Company, however, was too much in its infancy to be formidable; and the Dutch, whose mercantile competition pressed as heavily during peace as during war, added to the difficulties of the English, chiefly by rendering their navigation more hazardous and expensive.

A fact, an enlightened attention to which would probably have been productive of important consequences, was at this time forced upon the notice of

[1] Macpherson's Annals, ii. 493.

[2] Raynal, Hist. Philos. et Polit. des Etabliss. &c. dans les Deux Indes, ii. 183. Ed. 8vo. Geneve, 1781. Bruce ii. 137, 150, 167. Macpherson's Annals, ii. 516.

the Company. One grand source of the expenses which devoured the profits of their trade was their factories, with all that mass of dead stock which they required, houses, lands, fortifications, and equipments. The Dutch, who prosecuted their interests with vigilance and economy, carried on their trade in a great many places without factories. Upon receiving instructions to make preparations and inquiry for opening a trade with Japan, Mr. Quarles Brown, the Company's agent at Bantam, who had been at Japan, reported to the Court, that it would be necessary, if a trade with Japan was to be undertaken, to follow the plan of the Dutch; who procured the commodities in demand at Japan, in the countries of Siam, Cambodia, and Tonquin, not by erecting expensive factories, but by forming contracts with the native merchants. These merchants, at fixed seasons, brought to the ports the commodities for which they had contracted, and though it was often necessary to advance to them the capital with which the purchases were effected, they had regularly fulfilled their engagements.[1] Even the Company itself, and that in places where their factories cost them the most, had made experiments, and with great advantage, on the expediency of employing the native merchants in providing their investments. At Surat, in 1665-66, "the investments of the season were obtained by the employment of a native merchant, who had provided an assortment of pepper at his own risk, and though the Dutch had obstructed direct purchases of pepper, the agents continued the expedient of employing the native merchants, and embarked a moderate assortment."[2] Factories to carry on the traffic of Asia, at any rate on the scale, or any thing

[1] Letters from the Agent and Council of Bantam (in the East India Register Office), Bruce ii. 163.

[2] Bruce ii. 178, from a letter from the President and Council of Surat.

BOOK I. CHAP. 4. 1663-68.

approaching to the scale, of the East India Company, were the natural offspring of a joint-stock; the Managers or Directors of which had a much greater interest in the patronage they created, which was wholly their own; than in the profits of the Company, of which they had only an insignificant share. Had the trade to India been conducted from the beginning, on those principles of individual adventure and free competition, to which the nation owes its commercial grandeur, it is altogether improbable that many factories would have been established. The agency of the native merchants would have performed much; and where it was not sufficient, the Indian trade would have naturally divided itself into two branches. One set of adventurers would have established themselves in India, by whom investments would have been provided for the European ships, and to whom the cargoes of the European goods would have been consigned. Another class of adventurers, who remained at home, would have performed the business of export and import from England, as it is performed to any other region of the globe.

The time, however, was now approaching when the weakness which had so long characterized the operations of the English in India was gradually to disappear. Notwithstanding the imperfections of the government, at no period, perhaps, either prior or posterior, did the people of this country advance so rapidly in wealth and prosperity, as during the time, including the years of civil war, from the accession of James I. to the expulsion of James II.[1] We are not

[1] Sir William Petty, who wrote his celebrated work, entitled Political Arithmetic, in 1676, says; 1. The streets of London showed that city to be double what it was forty years before; great increase was also manifested at Newcastle, Yarmouth, Norwich, Exeter, Portsmouth, and Cowes; and in Ireland, at Dublin, Kingsale, Coleraine, and Londonderry.

informed of the particular measures which were pursued by the Directors for obtaining an extension of funds; but the increase of capital in the nation was probably the principal cause which enabled them, in the year succeeding the acquisition of Bombay, to provide a grander fleet and cargo than they had ever yet sent forth. In the course of the year 1667-68, six ships sailed to Surat, with goods and bullion to the value of 130,000*l.*; five ships to Fort St. George, with a value of 75,000*l.*; and five to Bantam, with a stock of 40,000*l.* In the next season we are informed that the consignments to Surat consisted of 1,200 tons of shipping, with a stock of the value of 75,000*l.*; to Fort St. George, of five ships, and a stock of 103,000*l.*; and to Bantam, of three ships and 35,000*l.* In the year 1669-70, 1,500 tons of shipping were sent to Surat, six ships to Fort St. George, and four to Bantam, and the whole amount of the stock was 281,000*l.* The vessels sent out in 1670-71 amounted to sixteen, and their cargoes and bullion to 303,500*l.* In the following year four ships were sent to Surat, and nearly 2000 tons of shipping to Fort St. George; the cargo and bullion to the former, being 85,000*l.*, to the latter, 160,000*l.*: shipping to the amount of 2,800 tons was consigned to Bantam, but of the value of the bullion and goods no account seems to be preserved. In 1672-73, stock and bullion to the amount of 157,700*l.* were sent to Surat and Fort St. George. On account of the war, and the more exposed situation of Bantam, the consignment to that settlement was

2. With respect to shipping, the navy was triple, or quadruple what it was at that time; the shipping of Newcastle was 80,000 tons, and could not then have exceeded a quarter of that amount. 3. The number and splendour of coaches, equipages, and furniture, had much increased since that period. 4. The postage of letters had increased from one to twenty. 5. The King's revenue had tripled itself. See too Macpherson's Annals, ii. 580.

postponed. In the following year, it appears that cargoes and bullion were consigned, of the value of 100,000*l.* to Surat; 87,000*l.* to Fort St. George; and 41,000*l.* to Bantam.[1]

Other events of these years were of considerable importance. In 1667-68, appears the first order of the Company for the importation of tea.[2] Attempts were now recommended for resuming trade with Sumatra.[3] In 1671-72, considerable embarrassment was produced at Surat by the arrival of a French fleet of twelve ships, and a stock computed at 130,000*l.* The inconsiderate purchases and sales of the French reduced the price of European goods, and raised that of Indian; but so little did these adventurers exhibit of the spirit and knowledge of commerce, as to convince the Company's agents that they would not prove formidable rivals.[4]

As England and France were now united in alliance against the Dutch, the Company might have exulted in the prospect of humbling their oppressors, but the danger of a new set of competitors seems effectually to have repressed these triumphant emotions. In 1673, the island of St. Helena, which had several times changed its masters, being recaptured from the Dutch, was granted anew and confirmed to the Company by a royal charter.[5]

The funds which, in such unusual quantity, the Directors had been able to supply for the support of the trade in India, did not suffice to remove, it would appear that they hardly served to lighten, the pecuniary difficulties under which it laboured. To an order to

[1] Bruce ii. 201, 206, 209—224, 227, 230—256, 258, 259—278, 281, 282, 283—293, 296, 297—312, 313—327, 328, 331.

[2] Ib. ii. 210. The words of this order are curious, "to send home by these ships 100 lb. waight of the best tey that you can gett."

[3] Ib. ii. 211. [4] Ib. 302. [5] Ib. 232, 334.

provide a large investment, the President and Council at Surat, in 1673-74, replied, that the funds at their disposal were only 88,228*l.* and their debts 100,000*l.* besides interest on the same at 9 per cent.; and in November, 1674, they represented that the debt arose to no less a sum than 135,000*l.*; and that all returns must in a great measure be suspended till, by the application of the funds received from Europe, the Company's credit should be revived.[1]

Of the sort of views held out at this period to excite the favour of the nation towards the East India Company, a specimen has come down to us of considerable value. Sir Josiah Child, an eminent member of the body of Directors, in his celebrated Discourses on Trade, written in the year 1665, and published in 1667, represents the trade to India as the most beneficial branch of English commerce; and in proof of this opinion asserts, that it employs from twenty-five to thirty sail of the most warlike mercantile ships of the kingdom, manned with mariners from 60 to 100 each; that it supplies the kingdom with saltpetre, which would otherwise cost the nation an immense sum to the Dutch; with pepper, indigo, calicoes, and drugs, to the value of 150,000*l.* or 180,000*l.* yearly, for which it would otherwise pay to the same people an exorbitant price; with materials for export to Turkey, France, Spain, Italy, and Guinea, to the amount of 200,000*l.* or 300,000*l.* yearly, countries with which, if the nation were deprived of these commodities, a profitable trade could not be carried on.

These statements were probably made with an intention to deceive. The imports, exclusive of saltpetre, are asserted to exceed 400,000*l.* a year; though the

[1] Bruce, ii. 337, 342, 366.

BOOK I. CHAP. 4. 1674. stock which was annually sent to effect the purchases, and to defray the whole expense of factories and fortifications abroad, hardly amounted in any number of years preceding 1665, to 100,000*l*., often to much less; while the Company were habitually contracting debts, and labouring under the severest pecuniary difficulties. Thus early, in the history of this Company, is it found necessary to place reliance on their accounts and statements, only when something very different from the authority of their advocates is found to constitute the basis of our belief.

It will be highly instructive to confront one exaggerated statement with another. About the same time with the discourses of Sir Josiah Child, appeared the celebrated work of De Witt on the state of Holland. Proceeding on the statement of Sir Walter Raleigh, who in the investigation of the Dutch fishery, made for the information of James I. in 1603, affirmed, that "the Hollanders fished on the coasts of Great Britain with no fewer than 3,000 ships, and 50,000 men; that they employed and set to sea, to transport and sell the fish so taken, and to make returns thereof, 9,000 ships more, and 150,000 men; and that twenty busses do, one way or other, maintain 8,000 people;" he adds, that from the time of Sir Walter Raleigh to the time at which he wrote, the traffic of Holland in all its branches could not have increased less than one third. Allowing this account to be exaggerated in the same proportion as that of the East India Director, which the nature of the circumstances, so much better known, renders rather improbable; it is yet evident, to what a remarkable degree the fisheries of the British coasts, to which the Dutch confined themselves, constituted a more important commerce than the highly vaunted, but comparatively insignificant business of

the East India Company.[1] The English fishery, at the single station of Newfoundland, exceeded in value the trade to the East Indies. In the year 1676, no fewer than 102 ships, carrying twenty guns each, and eighteen boats, with five men to each boat, 9,180 men in all, were employed in that traffic; and the total value of the fish and oil was computed at 386,400*l.*[2]

The equipments, in 1674-75, were, five ships to Surat with 189,000*l.* in goods and bullion; five to Fort St. George with 202,000*l.*; and 2,500 tons of shipping to Bantam with 65,000*l.*: In 1675-76, to Surat, five ships and 96,500*l.*; to Fort St. George, five ships and 235,000*l.*; to Bantam, 2,450 tons of shipping and 58,000*l.*: In 1676-77, three ships to Surat and three to Fort St. George, with 97,000*l.* to the one, and 176,600*l.* to the other; and eight ships to Bantam, with no account of the stock. The whole adventure to India, in 1677-78, seems to have been seven ships and 352,000*l.*; of which a part, to the value of 10,000*l.* or 12,000*l.*, was to be forwarded from Fort St. George to Bantam: In 1678-79, eight ships and 393,950*l.*: In 1679-80, ten ships and 461,700*l.*: In 1680-81, eleven ships and 596,000*l.*: And, in 1681-82, seventeen ships, and 740,000*l.*[3]

The events affecting the East India Company were still common and unimportant. In 1674-75, a mutiny, occasioned by retrenchment, but not of any

[1] An anonymous author, whom Anderson in his History of Commerce quotes as an authority, says, in 1679, that the Dutch herring and cod fishery employed 8,000 vessels, and 200,000 sailors and fishers, whereby they annually gained five millions sterling; besides their Iceland, Greenland, and Newfoundland fisheries, and the multitude of trades and people employed by them at home. Macpherson's Annals, ii. 596. See in the same work, ii. 547 and 552, a summary of the statements of Child and De Witt. For ampler satisfaction the works themselves must be consulted.

[2] Anderson's Hist. of Commerce, Macpherson's Annals, ii. 579.

[3] Bruce, ii. 356, 360, 361—375, 379—392, 393, 395—406, 409, 410—435, 438, 439—446, 451, 453—459, 465, 468.

BOOK I. CHAP. 4. 1675-82.

serious magnitude, was suppressed at Bombay. In trying and executing the ringleaders, the Company exercised the formidable powers of martial law. The trade of Bengal had grown to such importance, that, instead of a branch of the agency at Fort St. George, an agency was now constituted in Bengal itself. Directions were forwarded to make attempts for opening a trade with China; and tea, to the value of 100 dollars, was, in 1676-77, ordered on the Company's account. Beside the ordinary causes of depression which affected the Company at Bantam, a particular misfortune occurred in 1667. The principal persons belonging to the factory having gone up the river in their prows, a number of Javanese assassins, who had concealed themselves in the water, suddenly sprung upon them, and put them to death.[1]

In 1677-78, "the Court," says Mr. Bruce, "recommended temporising expedients to their servants, with the Mogul, with Sevagee, and with the petty Rajahs; but at the same time they gave to President Aungier and his council discretionary powers, to employ armed vessels, to enforce the observation of treaties and grants:—in this way, the Court shifted from themselves the responsibility of commencing hostilities, that they might be able, in any questions which might arise between the King and the Company, to refer such hostilities to the errors of their servants."[2] This cool provision of a subterfuge, at the expense of their servants, is a policy ascribed to the Company, in this instance, by one of the most unabashed of their eulogists. We shall see, as we advance, in what degree the precedent has been followed.

The difficulties which now occurred in directing

[1] Bruce, ii. 367, 166, 396, 404. [2] Ib. 405.

BOOK I. CHAP. 4. 1682.

the operations of the various individuals employed in the business of the East India Company began to be serious. The Directors, from ignorance of the circumstances in which their servants were placed, often transmitted to them instructions which it would have been highly imprudent to execute. The functionaries abroad often took upon themselves, and had good reasons for their caution, to disregard the orders which they received. A door being thus opened for discretionary conduct, the instructions of the Directors were naturally as often disobeyed for the convenience of the actors abroad, as for the benefit of the Company at home. The disregard of their authority, and the violation of their commands, had been a frequent subject of uneasiness and indignation to the Directors. Nor was this all. From discordant pretensions to rank and advancement in the service, animosities arose among the agents abroad. Efforts were made by the Directors for the cure of these troublesome, and even dangerous, diseases. Seniority was adopted as the principle of promotion; but nomination to the important office of a Member of Council at the Agencies, as well as Presidencies, was reserved to the Court of Directors.[1]

[1] Bruce, ii. 355, 374, 449, 453.

CHAP. V.

From the Project of forming a new and rival Company, till the Union of the two Companies by the Award of Godolphin, in the year 1711.

BOOK I. CHAP. 5.

1683.

THE Company were now again threatened by that competition with their fellow-citizens which they have always regarded as their greatest misfortune. From the renewal of their charter, shortly after the accession of Charles II., their monopoly had not been disturbed, except by a few feeble interlopers, whom they had not found it difficult to crush. In the year 1682-83, the design was disclosed of opening a subscription for a new joint-stock, and establishing a rival East India Company. The scheme was so much in unison with the sentiments of the nation, and assumed an aspect of so much importance, that it was taken into consideration by the King and Council.

It had so much effect upon the views of the Company, though for the present the Council withheld their sanction, that, in Mr. Bruce's opinion, it introduced into their policy of 1682-83 a refinement, calculated, and intended, to impose upon the King and the public. It induced them to speak of the amount of their equipments, not, as usual, in terms of exact detail, but in those of vague and hyperbolical estimate. What we know of their adventure of that year is only the information they forwarded to their Indian stations, that the stock to be sent out

[1] Bruce, ii. 475.

would exceed one million sterling. In the course of the next season they equipped four ships to Surat. Of that year we only further know that 100,000*l.* in bullion was intended for Bengal. In 1684-85, information was forwarded to Surat, in general terms, that the tonnage and stock would be considerable: Five ships sailed for Fort St. George and Bengal, with 140,000*l.* in bullion: Of other circumstances nothing is adduced: And for several succeeding years no statement of the tonnage and stock of the annual voyages appears.[1]

Under the skill which the Court of Directors have all along displayed in suppressing such information as they wished not to appear, it is often impossible to collect more than gleanings of intelligence respecting the Company's debts. At the present period, however, they appear to have been heavy and distressing. In 1676, it was asserted by their opponents in England that their debts amounted to 600,000*l.*;[2] and we have already seen that, in 1674, the debt of Surat alone amounted to 135,000*l.*[3] In 1682-83, the Directors authorised the Agency in Bengal to borrow 200,000*l.*, and, in 1683-84, it is stated that the debt upon the dead stock at Bombay alone amounted to 300,000*l.*[4] It seems highly probable that at this time their debts exceeded their capital.

In a war between the King of Bantam and his son, in which the English sided with the one, and the Dutch with the other, the son prevailed; and expelled the English from the place. The agents and servants of the factory took shelter at Batavia, and the Dutch Governor made offer of his assistance to

[1] Bruce, ii. 476, 481—496, 506—528, 531.

[2] Anderson's Hist. of Commerce, Macpherson's Annals, ii. 570.

[3] Supra, p. 95. [4] Bruce, ii. 482, 499.

BOOK I. CHAP. 5. 1683-85.

bring the property of the Company from Bantam. As the English, however, accused the Dutch of being the real authors of the calamity, they declined the proposal, as precluding those claims of redress which the Company might prosecute in Europe. Various efforts were made to regain possession of Bantam, but the Dutch from this time remained sole masters of Java.[1]

Upon the loss of Bantam, the Presidency for the government of the Eastern Coast, which had hitherto, with a fond desire for the traffic of the islands, been stationed at that place, was removed to Fort St. George.[2]

The nation becoming gradually more impatient under the monopoly, the numbers multiplied of those who ventured to break through the restraint which it imposed upon the commercial ardour of the times. The Company, not satisfied with the power which they had already obtained of common and martial law, and of seizing, with their property, and sending to England, as many of their countrymen as their interests or caprice might direct, still called for a wider range of authority; and, under the favour of government which they now enjoyed, obtained the powers of Admiralty jurisdiction, for the purpose of seizing and condemning, safe from the review of the courts of municipal law in England, the ships of the interlopers.[3] The servants of the Company were now invested with unlimited power over the British people in India.

Insurrection again appeared at Bombay, and assumed a very formidable aspect. The causes were such as have commonly, in the Company's affairs, been attended with similar effects. Efforts had been

[1] Bruce, ii. 492. [2] Ib. 502. [3] Ib. 496.

made to retrench expenses; unpleasant to the Company's servants. The earliest experiment of the Company in territorial sovereignty agreed with the enlarged experience of succeeding times: the expense of the government exceeded the revenue which the population and territory could be made to yield. The Directors, new to the business of government, were disappointed; and having first laboured to correct the deficit by screwing up the revenue, they next attempted the same arduous task by lessening the expense. By the two operations together, all classes of their subjects were alienated: First, the people, by the weight of taxation; next the instruments of government, by the diminution of their profits. Accordingly Captain Keigwin, commander of the garrison at Bombay, was joined by the troops and the great body of the people, in renouncing the authority of the Company, and declaring by proclamation, dated December 27, 1683, that the island belonged to the King. Keigwin was by general consent appointed Governor; and immediately addressed letters to the King and to the Duke of York, stating such reasons as were most likely to avert from his conduct the condemnation to which it was exposed.[1]

The President and Council at Surat, conscious of their inability to reduce the island by force, had recourse to negociation. A general pardon, and redress of grievances were promised. First three commissioners were sent; afterwards the President repaired to Bombay in person. But neither entreaties nor threats were of any avail.[2]

[1] Bruce, ii. 512. Governor Child is accused by Hamilton of wanton and intolerable oppressions; and that author states some facts which indicate excessive tyranny. New Account of the East Indies, i. 187—199.

[2] Bruce, ii. 515.

BOOK I. CHAP. 5.

1685-87.

As soon as intelligence arrived in England, the King's command was procured, directing Captain Keigwin to deliver up the island: and instructions were forwarded to proceed against the insurgents by force. When Sir Thomas Grantham, the commander of the Company's fleet, presented himself at Bombay, invested with the King's commission, Keigwin offered, if assured of a free pardon to himself and adherents, to surrender the place. On these terms the island was restored to obedience. For the more effectual coercion of any turbulent propensities, the expedient was adopted of removing the seat of government from Surat to Bombay. Nor could the humble title and pretensions of a President and Council any longer satisfy the rising ambition of the Company. The Dutch had established a regency at Batavia and Columbo. It was not consistent with the grandeur of the English Company to remain contented with inferior distinction. In 1687, Bombay was elevated to the dignity of a Regency, with unlimited power over the rest of the Company's settlements. Madras was formed into a corporation, governed by a mayor and aldermen.[1]

The English had met with less favour, and more oppression, from the native powers in Bengal, than in any other part of India.[2] In 1685-86, the resolu-

[1] Bruce, ii. 526, 540, 584, 591. It was debated in the Privy Council, whether the charter of incorporation should be under the King's or the Company's seal. The King asked the Chairman his opinion, who replied, "that no person in India should be employed by immediate commission from his Majesty, because, if they were, they would be prejudicial to our service by their arrogancy, and prejudicial to themselves, because the wind of extraordinary honour in their heads would probably make them so haughty and overbearing, that we should be forced to remove them." Letter from the Court to the President of Fort St. George, (Ib. 591). Hamilton, ut supra, (189—192). Orme's Historical Fragments, 185, 188, 192, 198.

[2] Mr. Orme is not unwilling to ascribe part of the hardships they ex-

tion was adopted of seeking redress and protection by force of arms. The greatest military equipment the Company had ever provided was sent to India. Ten armed vessels, from twelve to seventy guns, under the command of Captain Nicholson, and six companies of infantry, without captains, whose places were to be supplied by the Members of Council in Bengal, were dispatched, with instructions to seize and fortify Chittagong as a place of future security, and to retaliate in such a manner upon the Nabob and Mogul as to obtain reparation for the injuries and losses which had been already sustained. In addition to this force, the Directors, in the following year, made application to the King for an entire company of regular infantry with their officers; and power was granted to the Governor in India to select from the privates such men as should appear qualified to be commissioned officers in the Company's service. By some of those innumerable casualties, inseparable from distant expeditions, the whole of the force arrived not at one time in the Ganges; and an insignificant quarrel, between some of the English soldiers and the natives, was imprudently allowed to bring on hostilities, before the English were in a condition to maintain them with success. They were obliged to retire from Hoogly, after they had cannonaded it with the fleet, and took shelter at Chutanuttee, afterwards Calcutta, till an agreement with the Nabob, or additional forces, should enable them to resume their stations. The disappointment of their ambitious schemes was bitterly felt by the Court of Directors. They blamed their servants in Bengal in

perienced to the interlopers, who, seeking protection against the oppressions of the Company, were more sedulous and skilful in their endeavours to please the native governors. Hist. Frag. 185.

BOOK I. CHAP. 5. 1685-87. the severest terms, not only for timidity, but breach of trust, as having turned the resources of the Company, which ought to have been effectually employed in obtaining profitable and honourable terms from the Nabob and Mogul, to their own schemes of private avarice and emolument. A hollow truce was agreed to by the Nabob, which he only employed for preparing the means of an effectual attack. The English, under the direction of Charnock, the Company's agent, made a gallant defence. They not only repulsed the Nabob's forces in repeated assaults, but stormed the fort of Tanna, seized the island of Injellee, in which they fortified themselves, and burnt the town of Balasore, with forty sail of the Mogul fleet; the factories, however, at Patna and Cossimbuzar were taken and plundered. In September, 1687, an accommodation was effected, and the English were allowed to return to Hoogley, with their ancient privileges. But this was a termination of the contest ill-relished by the Court of Directors. Repeating their accusations of Charnock and their other functionaries, they sent Sir John Child, the governor of Bombay, to Madras and Bengal, for the purpose of reforming abuses, and of re-establishing, if possible, the factories at Cossimbuzar and other places, from which they had been driven by the war. A large ship, the Defence, accompanied by a frigate, arrived from England under the command of a captain of the name of Heath, with instructions for war. The Company's servants had made considerable progress by negociation in regaining their ancient ground; when Heath precipitately commenced hostilities, plundered the town of Balasore, and proceeded to Chittagong, which he found himself unable to subdue. Having taken the Company's servants and effects on

board, agreeably to his orders, he sailed to Madras; and Bengal was abandoned.[1]

1687.

These proceedings, with the rash and presumptuous behaviour of Sir John Child on the western side of India, exasperated Aurengzebe, the most powerful of all the Mogul sovereigns, and exposed the Company's establishments to ruin in every part of India. The factory at Surat was seized; the island of Bombay was attacked by the fleet of the Siddees; the greater part of it was taken, and the governor besieged in the town and castle. Aurengzebe issued orders to expel the English from his dominions. The factory at Masulipatam was seized; as was also that at Visigapatam, where the Company's agent and several of their servants were slain. The English stooped to the most abject submissions. With much difficulty they obtained an order for the restoration of the factory at Surat, and the removal of the enemy from Bombay. Negotiation was continued, with earnest endeavours, to effect a reconciliation. The trade of the strangers was felt in the Mogul treasuries; and rendered the Emperor, as well as his deputies, not averse to an accommodation. But the interruption and delay sustained by the Company made them pay dearly for their premature ambition, and for the unseasonable insolence, or the imprudence of their servants.[2]

[1] These events occurred under the government of the celebrated imperial deputy Shaista Khan; "to the character of whom (says Mr. Stewart, Hist. of Bengal, 300.) it is exceedingly difficult to do justice. By the Mohammedan historians he is described as the pattern of excellence; but by the English he is vilified as the oppressor of the human race. Facts are strongly on the side of the Mohammedans."

[2] Bruce, ii. 558, 569, 578, 594, 608, 620, 630, 639, 641, 646, 650. The lively and intelligent Captain Hamilton represents the conduct of Sir John Child at Surat as exceptionable in the highest degree. But the Captain was an interloper, and though his book is strongly stamped with the marks of veracity, his testimony is to be received with the

BOOK I. CHAP. 5.

1689-98. During these contests the French found an interval, in which they improved their footing in India. They had formed an establishment at Pondicherry, where they were at this time employed in erecting fortifications.[1]

The equipments for 1689-90 were on a reduced scale; consisting of three ships only, two for Bombay, and one for Fort St. George. They were equally small the succeeding year. We are not informed to what the number of ships or value of cargo amounted in 1691-2. In the following year, however, the number of ships was eleven; and was increased in 1693-4, to thirteen. In the following year there was a diminution, but to what extent does not appear. In each of the years 1695-6 and 1696-7, the number of ships was eight. And in 1697-8 it was only four.[2]

It was now laid down as a determinate object of policy, that independance was to be established in India; and dominion acquired. In the instructions forwarded in 1689, the Directors expounded themselves in the following words: "The increase of our revenue is the subject of our care, as much as our trade:—'tis that must maintain our force, when twenty accidents may interrupt our trade; 'tis that must make us a nation in India;—without that we are but as a great number of interlopers, united by his Majesty's royal charter, fit only to trade where nobody of power thinks it their interest to prevent us;—and upon this account it is that the wise Dutch, in all their general advices which we have seen, write ten paragraphs concerning their government, their civil and military policy, warfare, and the increase

same caution on the one side as that of the Company on the other. New Account of India, i. 199—228.

[1] Bruce, ii. 655. [2] Ib. iii. 75, 87, 122. 139, 181, 203, 231.

of their revenue, for one paragraph they write concerning trade."[1] It thus appears at how early a period, when trade and sovereignty were blended, the trade, as was abundantly natural, became an object of contempt, and by necessary consequence, a subject of neglect. A trade, the subject of neglect, is of course a trade without profit.

This policy was so far gratified, about the same period, that Tegnapatam, a town and harbour on the Coramandel coast, a little to the south of Pondicherry, was obtained by purchase, and secured by grant from the country powers. It was strengthened by a wall and bulwarks, and named Fort St. David.[2]

A fact of much intrinsic importance occurs at this part of the history. Among the Christians of the East, the Armenians, during the power of the successors of Constantine, had formed a particular sect. When the countries which they inhabited were overrun by the Mahomedan arms, they were transplanted by force, in great numbers, into Persia, and dispersed in the surrounding countries. Under oppression, the Armenians adhered to their faith ; and, addicting themselves to commerce, became, like the Jews in Europe, the merchants and brokers in the different countries to which they resorted.[3] A proportion of them made their way into India, and, by their usual industry and acuteness, acquired that share in the business of the country which was the customary reward of the qualities they displayed. The pecuniary pressure under which the Company at this

[1] Bruce, iii. 78. [2] Ib. 120.

[3] See, in Gibbon, viii. 357 to 360, a train of allusions, as usual, to the history of the Armenians ; and in his notes a list of its authors.—The principal facts regarding them, as a religious people, are collected with his usual industry and fidelity by Mosheim, Ecclesiast. Hist. iii. 493, 494, 495, and 412, 413.

BOOK I. CHAP. 5. 1689-98.

time laboured, and under which, without ruinous consequences, the increase of patronage could not be pursued, constrained the Directors to look out for economical modes of conducting their trade. They accordingly gave instructions, that, instead of multiplying European agents in India, natives, and especially Armenians, should be employed: "because," to use the words of Mr. Bruce, copying or abridging the letters of the Court, "that people could vend English woollens, by carrying small quantities into the interior provinces, and could collect fine muslins, and other new and valuable articles, suited to the European demands, *better* than any agents of the Company could effect, under any phirmaund or grant which might be eventually purchased."[1]

The prosperity which the nation had enjoyed, since the death of Charles I., having rendered capital more abundant, the eagerness of the mercantile population to enter into the channel of Indian enterprise and gain had proportionably increased; and the principles of liberty being now better understood, and actuating more strongly the breasts of Englishmen, not only had private adventure, in more numerous instances, surmounted the barriers of the Company's monopoly, but the public in general at last disputed the power of a royal charter, unsupported by Parliamentary sanction, to limit the rights of one part of the people in favour of another, and to debar all but the East India Company from the commerce of India. Applications were made to Parliament for a new system of management in this branch of national affairs; and certain instances of severity, which were made to carry the appearance of atrocity, in the exercise of the powers of martial law assumed by the

[1] Bruce, iii. 88.

Company, in St. Helena and other places, served to augment the unfavourable opinion which was now rising against them.[1]

The views of the House of Commons were hostile to the Company. A committee, appointed to investigate the subject, delivered it as their opinion on the 16th January, 1690, that a new Company should be established, and established by Act of Parliament; but that the present Company should carry on the trade exclusively, till the new Company were established.[2] The House itself in 1691, addressed the King to dissolve the Company, and incorporate a new one; when the King referred the question to a committee of the Privy Council.[3]

In the mean time the Company proceeded, in a spirit of virulence, to extinguish the hated competition of the general traders. "The Court," says Mr. Bruce, transcribing the instructions of 1691, "continued to act towards their opponents, interlopers, in the same manner as they had done in the latter years of the two preceding reigns; and granted commissions to all their captains, proceeding this season to India, to seize the interlopers of every description, and to bring them to trial before the Admiralty Court at Bombay;—explaining, that, as they attributed all the differences between the Company and the Indian powers to the interlopers, if they continued their depredations on the subjects of the Mogul or King of Persia, they were to be tried for their lives as pirates, and sentence of death passed; but execution stayed till the King's pleasure should be known.[4]

[1] Bruce, iii. 81; Macpherson's Annals, ii. 618; and Adam Smith, Wealth of Nations, iii. 132, who with his usual sagacity brings to view the causes of the principal events in the history of the Company.

[2] Bruce, iii. 82.

[3] Macpherson's Annals, ii. 648.

[4] Bruce, iii. 102.

BOOK I. CHAP. 5. 1689-98.

The cruelty which marks these proceedings is obvious; and would hardly be credible if it were less strongly attested. The Company seized their opponents, and carried them before their own Admiralty Courts, that is, before themselves, to judge and pass sentence in their own cause, and inflict almost any measure of injury which it suited minds, inflamed with all the passions of disappointed avarice and ambition, to perpetrate. They accused their competitors of piracy, or of any other crime they chose; tried them, as they pleased, and sentenced them even to death: as if it were an act of mercy that they did not consign them to the executioner before the royal pleasure was known;—as if that pleasure could be as quickly known, in India, as it could in England;—as if the unfortunate victim might not remain for months and years in the dungeons of the Company, in a climate, where a sentence of imprisonment, for any length of time, to a European constitution, is a sentence of almost certain death; and where he could hardly fail to suffer the pains of many executions, beside the ruin of his affairs, in a land of strangers and enemies, even if his wretched life were protracted till his doom, pronounced at the opposite side of the globe, could be known. Mr. Bruce, with his usual alacrity of advocation, says, "This proceeding of the Court rested upon the opinion of the twelve Judges, which was, that the Company had a right to the trade to the East Indies, according to their charter."[1] Because the Judges

[1] Ib. iii. 103. Sir Josiah Child, as chairman of the Court of Directors, wrote to the Governor of Bombay, to spare no severity to crush their countrymen who invaded the ground of the Company's pretensions in India. The Governor replied, by professing his readiness to omit nothing which lay within the sphere of his power to satisfy the wishes of the Company; but the laws of England unhappily would not let him proceed so far as might otherwise be desirable. Sir Josiah wrote back

said they had a right to the trade to the East Indies, they assumed a right to be judges and executioners of their fellow subjects, in their own cause. This was a bold conclusion. It was impossible that, under any colour of justice, the powers of judicature entrusted to the Company, by kingly without parliamentary authority, even if allowed, could be extended beyond their own servants, who voluntarily submitted to their jurisdiction. Over the rest of their fellow-subjects, it was surely sufficient power, if they were permitted to send them to England, to answer for their conduct, if challenged, before a tribunal, which had not an overbearing interest in destroying them.

The King of 1693, like the King of any other period, preferred power in his own hands to power in the hands of the parliament, and would have been pleased to retain without participation the right of making or annulling exclusive privileges of trade. Notwithstanding the resolution of the committee of the House of Commons, that parliament should determine whatever regulations might be deemed expedient for the Indian trade, a new charter was granted by letters patent from the crown, as the proper mode of terminating the present controversies. The principal conditions were, that the capital of the Company, which was 756,000*l.* should be augmented by

with anger:—"That he expected his orders were to be his rules, and not the laws of England, which were an heap of nonsense, compiled by a few ignorant country gentlemen, who hardly knew how to make laws for the good of their own private families, much less for the regulating of Companies, and foreign commerce." (Hamilton's New Account of India, i. 232.) "I am the more particular," adds Captain Hamilton, "on this account, because I saw and copied both those letters in Anno 1696, while Mr. Vaux [the Governor to whom the letters were addressed] and I were prisoners at Surat, on account of Captain Evory's robbing the Mogul's great ship, called the Gunsway." Bruce, iii. 233.

BOOK I. CHAP. 5.

1693.

744,000*l*,, so as to raise it to 1,500,000*l*.; that their exclusive privileges should be confirmed for twenty-one years; that they should export 100,000*l*. of British produce annually; that the title to a vote in the court of Proprietors should be 1000*l*.; and that no more than ten votes should be allowed to any individual.[1]

The pretensions, however, of the House of Commons brought this important question to a different issue. Towards the close of the very same season, that assembly came to a vote, "that it was the right of all Englishmen to trade to the East Indies, or any part of the world, unless prohibited by act of parliament:[2] and William knew his situation too well to dispute their authority.

The Company laboured under the most pressing embarrassments. Though their pecuniary difficulties, through the whole course of their history, have been allowed as little as possible to meet the public eye, what we happen to be told of the situation at this time of the Presidency at Surat affords a lively idea of the financial distresses in which they were involved. Instead of eight lacks of rupees, which it was expected would be sent from Bombay to Surat, to purchase goods for the homeward voyage, only three lacks and a half were received. The debt at Surat already amounted to twenty lacks; yet it was absolutely necessary to borrow money to purchase a cargo for even three ships. A loan of one lack and 80,000 rupees was necessary to complete this small investment. To raise this snm, it was necessary to allow to individuals the privileges of the contract which subsisted with the Armenian merchants.[3] And

[1] Bruce, iii. 133—135. Macpherson's Annals, ii. 649. [2] Ib. 142.

[3] We know not the terms of that contract, nor how a participation in its privileges could be granted to individuals without a breach of faith toward the Armenian merchants.

after all these exertions the money could only be obtained by taking it up on loans from the Company's servants.[1] BOOK I. CHAP. 5. 1693-98.

The Company meanwhile did not neglect the usual corrupt methods of obtaining favours at home. It appeared that they had distributed large sums of money, to men in power, before obtaining their charter. The House of Commons were, at the present period, disposed to inquire into such transactions. They ordered the books of the Company to be examined; where it appeared that it had been the practice, and even habit of the Company, to give bribes to great men; that, previous to the revolution, their annual expense under that head had scarcely ever exceeded 1,200*l.*; that since the revolution it had gradually increased; and that in the year 1693, it had amounted to nearly 90,000*l.* The Duke of Leeds, who was charged with having received a bribe of 5,000*l.* was impeached by the Commons. But the principal witness against him was sent out of the way, and it was not till nine days after it was demanded by the Lords that a proclamation was issued to stop his flight. Great men were concerned in smothering the inquiry; parliament was prorogued; and the scene was here permitted to close.[2]

As the science and art of government were still so imperfect as to be very unequal to the suppression of crimes, and robberies and murders were prevalent even in the best regulated countries in Europe; so depredation was committed on the ocean under still less restraint, and pirates abounded wherever the amount of property at sea afforded an adequate temptation. The fame of Indian riches attracted to the

[1] Bruce, iii. 167.

[2] Macpherson's Annals, ii. 652, 662; 10,000*l.* is said to have been traced to the King.

BOOK I. CHAP. 5.

1693-98.

Eastern seas adventurers of all nations; some of whom were professed pirates; others, men preferring honest trade; though, when they found themselves debarred from this source of profit, by the pretensions and power of monopoly, they had no such aversion to piracy as to reject the only other source of which they were allowed to partake. The moderation which, during some few years, the Company had found it prudent to observe in their operations for restraining the resort of private traders to India, had permitted an increase of the predatory adventurers. As vessels belonging to Mogul subjects fell occasionally into the hands of plunderers of the English nation, the Mogul government, too ignorant and headlong to be guided by any but the rudest appearances, held the Company responsible for the misdeeds of their countrymen; and sometimes proceeded to such extremities as to confiscate their goods and confine their servants. The Company, who would have been justified in requiring aid at the hands of government for the remedy of so real a grievance, made use of the occasion as a favourable one for accumulating odium upon the independent traders. They endeavoured to confound them with the pirates. They imputed the piracies in general to the interlopers as they called them. In their complaints to government they represented the interlopers and the depredations of which they said they were the authors, as the cause of all the calamities to which, under the Mogul government, the Company had been exposed. The charge, in truth, of piracy became a general calumny, with which all the different parties in India endeavoured to blacken their competitors; and the Company itself, when the new association of merchants trading to India began to rival them, were as strongly accused of acting the

pirates in India, as the individual traders had been by themselves.[1] BOOK I. CHAP. 5.

Such was the situation of the Company in England, and in India, when the influence of the rival association threatened them with destruction. In the year 1698 both parties were urging their pretensions with the greatest possible zeal, when the necessities of the government pointed out to both the project of bribing it by the accommodation of money. The Company offered to lend to government 700,000*l.* at 4 per cent. interest, provided their charter should be confirmed, and the monopoly of India secured to them by act of parliament. Their rivals, knowing on how effectual an expedient they had fallen, resolved to augment the temptation. They offered to advance 2,000,000*l.* at 8 per cent. provided they should be invested with the monopoly, free from obligation of trading on a joint-stock, except as they themselves should afterwards desire.[2] 1698.

A bill was introduced into parliament for carrying the project of the new association into execution. And the arguments of the two parties were brought forward in full strength and detail.[3]

On the part of the existing Company, it was represented; That they possessed charters; that the infringement of charters was contrary to good faith, contrary to justice, and in fact no less imprudent than it was immoral, by destroying that security of en-

[1] Bruce, iii. 146, 186. "Sir Nicolas Waite [Consul of the Association] addressed a letter," says Mr. Bruce, "to the Mogul, accusing the London Company of being sharers and abettors of the piracies, from which his subjects and the trade of his dominions had suffered, or, in the Consul's coarse language, *of being thieves and confederates with the pirates*." Ib. 337.

[2] Anderson's Hist. Macpherson's Annals, ii. 694. Bruce, iii. 252, 253.

[3] Bruce, iii. 253. Macpherson, ii. 694.

BOOK I. CHAP. 5.

1698.

gagements on which the industry of individuals and the prosperity of nations essentially depend: That the East India Company, moreover, had property, of which to deprive them would be to violate the very foundation on which the structure of society rests; that they were the Lords-Proprietors, by royal grant, of Bombay and St. Helena; that they had in India at their own expense, and by their own exertions, acquired immoveable property, in lands, in houses, in taxes and duties, the annual produce of which might be estimated at 44,000*l.*: That at great expense they had erected fortifications in various parts of India, by which they had preserved to their country the Indian trade; and had built factories and purchased privileges of great importance to the nation; enterprises to which they could have been induced by nothing but the hope and prospect of national support: That the resources and abilities of the Company were proved, by the estimate of their quick and dead stock; and that a capital of two millions would be raised immediately by subscription: That the project, on the contrary, of the new association made no provision for a determinate stock; and the trade, which experience proved to require an advance of 600,000*l.* annually, might thus be lost to the nation, for want of sufficient capital to carry it on: That justice to individuals, as well as to the public, required the continuance of the charter, as the property and even subsistence of many families, widows, and orphans, was involved in the fate of the Company: In short, that humanity, law, and policy, would all be equally violated by infringing the chartered rights of this admirable institution.[1]

The new association replied; That it was no in-

[1] Bruce, iii. 253. Anderson's History of Commerce; Macpherson, ii. 694, 695.

fringement of good faith or justice, to annul, by a legislative act, a charter which was hostile to the interests of the nation; because that would be to say, if a government has once committed an error, that it is not lawful to correct itself; it would be to say that, if a nation has once been rendered miserable, by erroneous institutions of government, it must never try to rescue itself from its misery: That the practical rule of the British government, as many precedents abundantly testified, had been, to set at nought the pretended inviolability of charters, as often as they were proved to be unprofitable or injurious: That not only had charters been destroyed by act of parliament, but even the judges at law (so little in reality was the respect which had been paid to charters) had often set them aside, by their sole authority, on the vague and general ground that the King had been deceived in his grant: That, if any chartered body was entitled to complain of being dissolved, in obedience to the dictates of utility, it was certainly not the East India Company, whose charter had been originally granted, and subsequently renewed, on the invariable condition of being terminated, after three years' notice, if not productive of national advantage: To display the property which the Company had acquired in India, and to pretend that it gave them a right to perpetuity of charter, was nothing less than to insult the supreme authority of the state; by telling it, that, be the limitations what they might, under which the legislature should grant a charter, it was at all times in the power of the chartered body to annul those limitations, and mock the legislative wisdom of the nation, simply by acquiring property: That, if the Company had erected forts and factories, the question still remained, whether they carried on the trade more profitably by their charter than the nation could

BOOK I. CHAP. 5.

1698.

carry it on if the charter were destroyed: That the nation and its constituted authorities were the sole judge in this controversy; of which the question whether the nation or the Company were most likely to fail in point of capital, no doubt formed a part: That if inconvenience, and in some instances distress, should be felt by individuals, this deserved consideration, and, in the balance of goods and evils, ought to be counted to its full amount; but to bring forward the inconvenience of individuals, as constituting in itself a conclusive argument against a political arrangement, is as much as to say that no abuse should be ever remedied; because no abuse is without its profit to somebody, and no considerable number of persons can be deprived of customary profits without inconvenience to most, hardship to many, and distress to some.[1]

The new associators, though thus strong against the particular pleas of their opponents, were debarred the use of those important arguments which bore upon the principle of exclusion; and which, even in that age, were urged with great force against the Company. They who were themselves endeavouring to obtain a monopoly could not proclaim the evils which it was the nature of monopoly to produce. The pretended rights of the Company to a perpetuity of their exclusive privileges, for to that extent did their arguments reach, were disregarded by every body, and an act was passed, empowering the King to convert the new association into a corporate body, and to bestow upon them the monopoly of the Indian trade. The charters, the property, the privileges, the forts and factories of the Company in India, and their claims of merit with

[1] Bruce, iii. 253, 254. Anderson's History of Commerce; Macpherson, ii. 695.

the nation, if not treated with contempt, were at least held inadequate to debar the legislative wisdom of the community from establishing for the Indian trade whatever rules and regulations the interest of the public appeared to require.[1]

The following were the principal provisions of the act: That the sum of two millions should be raised by subscription, for the service of government: that this subscription should be open to natives or foreigners, bodies politic or corporate: that the money so advanced should bear an interest of 8 per cent. per annum: that it should be lawful for his Majesty, by his letters patent, to make the subscribers a body politic and corporate, by the name of the "General Society:" that the subscribers severally might trade to the East Indies, each to the amount of his subscription: that if any or all of the subscribers should be willing and desirous, they might be incorporated into a joint-stock Company: that the subscribers to this fund should have the sole and exclusive right of trading to the East Indies: that on three years' notice, after the 29th of September, 1711, and the repayment of the capital of 2,000,000*l.* this act should cease and determine: that the old or London Company, to whom three years' notice were due, should have leave to trade to India till 1701: that their estates should be chargeable with their debts: and that if any further dividends were made before the payment of their debts, the members who received them should be responsible for the debts with their private estates to the amount of the sums thus unduly received.

This measure, of prohibiting dividends while debt is unpaid, or of rendering the Proprietors responsible

[1] Bruce, iii. 255. Macpherson, ii. 696.

BOOK I. CHAP. 5.

1698.

with their fortunes to the amount of the dividends received, befitted the legislative justice of a nation.

A clause, on the same principle, was enacted with regard to the New Company, that they should not allow their debts at any time to exceed the amount of their capital stock; or, if they did, that every proprietor should be responsible for the debts with his private fortune, to the whole amount of whatever he should have received in the way of dividend or share after the debts exceeded the capital.[1]

This good policy was little regarded in the sequel.

In conformity with this act a charter passed the great seal, bearing date the 3d of September, constituting the subscribers to the stock of 2,000,000*l.* a body corporate under the name of the "General Society." This charter empowered the subscribers to trade, on the terms of a regulated Company, each subscriber for his own account. The greater part, however, of the subscribers desired to trade upon a joint-stock: and another charter, dated the 5th of the same month, formed this portion of the subscribers, exclusive of the small remainder, into a joint-stock Company, by the name of "the English Company trading to the East Indies."[2]

"In all this very material affair," says Anderson, "there certainly was a strange jumble of inconsistencies, contradictions, and difficulties, not easily to be accounted for in the conduct of men of judgment."[3] The London Company, who had a right by their charter to the exclusive trade to India till three years after notice, had reason to complain of this injustice, that

[1] Statute 9 & 10 W. III. c. 44.

[2] Macpherson's Annals, ii. 699. Bruce, iii. 257, 258. Preamble to the Stat. 6. A. c. 17.

[3] Anderson's Hist. of Commerce, Macpherson, ii. 700.

the English Company were empowered to trade to India immediately, while they had the poor compensation of trading for three years along with them. There was palpable absurdity in abolishing one exclusive company, only to erect another; when the former had acted no otherwise than the latter would act. Even the departure from joint-stock management, if trade on the principle of individual inspection and personal interest had been looked to as the source of improvement, might have been accomplished, without the erection of two exclusive companies, by only abolishing the joint-stock regulation of the old one. But the chief mark of the ignorance of parliament, at that time, in the art and science of government, was, their abstracting from a trading body, under the name of loan to government, the whole of their trading capital; and expecting them to traffic largely and profitably when destitute of funds. The vast advance to government, which they feebly repaired by credit, beggared the English Company, and ensured their ruin, from the beginning.

The old, or London Company, lost not their hopes. They were allowed to trade for three years on their own charter; and availing themselves of the clause in the act, which permitted corporations to hold stock of the New Company, they resolved to subscribe into this fund as largely as possible; and, under the privilege of private adventure, allowed by the charter of the English Company, to trade, separately, and in their own name, after the three years of their charter should be expired. The sum which they were enabled to appropriate to this purpose was 315,000*l.*[1]

In the instructions to their servants abroad they

[1] Bruce, iii. 256, 257. Macpherson, ii. 700. Smith's Wealth of Nations, iii. 133.

BOOK I. CHAP. 5. 1698-99.

represented the late measures of parliament as rather the result of the power of a particular party than the fruit of legislative wisdom: "The Interlopers," so they called the New Company, "had prevailed by their offer of having the trade free, and not on a joint-stock;" but they were resolved by large equipments (if their servants would only second their endeavours) to frustrate the speculations of those opponents: "Two East India Companies in England," these are their own words, "could no more subsist without destroying one the other, than two Kings, at the same time regnant in the same kingdom: that now a civil battle was to be fought between the Old and the New Company; and that two or three years must end this war, as the Old or the New must give way: that, being veterans, if their servants abroad would do their duty they did not doubt of the victory: that if the world laughed at the pains the two Companies took to ruin each other they could not help it, as they were on good ground and had a charter."[1]

When the time arrived for paying the instalments of the subscriptions to the stock of the New Company, many of the subscribers, not finding it easy to fulfil their engagements, were under the necessity of selling their shares. Shares fell to a discount; and the despondency, hence arising, operated to produce still greater depression.[2]

The first voyage which the New Company fitted out, consisted of three ships with a stock of 178,000*l.*[3] To this state of imbecility did the absorption of their capital reduce their operations. The sum to which they were thus limited for commencing their trade but little exceeded the interest which they were annually to receive from government.

[1] Bruce, iii. 257. [2] Ib. 259, 260. [3] Ib. 285.

With such means the New Company proved a very unequal competitor with the Old. The Equipments of the Old Company, for the same season, 1698-99, amounted to thirteen sail of shipping, 5,000 tons burthen, and stock estimated at 525,000*l.* Under the difficulties with which they had to contend at home, they resolved by the most submissive and respectful behaviour, as well as by offer of services, to cultivate the favour of the Moguls. Their Endeavours were not unsuccessful. They obtained a grant of the towns of Chuttanuttee, Govindpore, and Calcutta, and began, but cautiously, so as not to alarm the native government, to construct a fort. It was denominated Fort William; and the station was constituted a Presidency.[1]

To secure advantages to which they looked from their subscription of 315,000*l.* into the stock of the English Company, they had sufficient influence to obtain an act of parliament, by which they were continued a corporation, entitled, after the period of their own charter, to trade, on their own account, under the charter of the New Company, to the amount of the stock they had subscribed.[2]

The rivalship of the two Companies produced, in India, all those acts of mutual opposition and hostility, which naturally flowed from the circumstances in which they were placed. They laboured to supplant one another in the good opinion of the native inhabitants and the native governments. They defamed one another. They obstructed the operations of one another. And at last their animosities and contentions broke out into undissembled violence and oppression. Sir William Norris, whom the New Company, with the King's permission, had sent as

[1] Bruce, 264, 268, 300. [2] Ib. iii. 293, 326, 350.

BOOK I. CHAP. 5.

1700.

their Ambassador to the Mogul court, arrived at Surat in the month of December, 1700. After several acts, insulting and injurious to the London Company, whom he accused of obstructing him in all his measures and designs, he seized three of the Council, and delivered them to the Mogul Governor, who detained them till they found security for their appearance. The President and the Council were afterwards, by an order of the Mogul government, put in confinement; and Sir Nicholas Waite, the English Company's Consul at Surat, declared, in his correspondence with the Directors of that Company, that he had solicited this act of severity, because the London Company's servants had used treasonable expressions towards the King; and had made use of their interest with the Governor of Surat to oppose the privileges which the Ambassador of the English Company was soliciting at the court of the Mogul.[1]

As the injury which these destructive contentions produced to the nation soon affected the public mind, and was deplored in proportion to the imaginary benefits of the trade, an union of the two Companies was generally desired, and strongly recommended. Upon the first depression, in the market, of the stock of the New Company, an inclination on the part of that Company had been manifested towards a coalition. But what disposed the one party to such a measure, suggested the hope of greater advantage, and more complete revenge, to the other, by holding back from it. The King himself, when he received in March, 1700, the Directors of the London Company, on the subject of the act which continued them a corporate body, recommended to their serious consideration an union of the two Companies, as the

[1] Bruce 260 to 370, 374 to 379, 410.

BOOK I. CHAP. 5. 1700.

measure which would most promote, what they both held out as a great national object, the Indian trade. So far the Company paid respect to the royal authority, as to call a General Court of Proprietors for taking the subject into consideration; but after this step they appeared disposed to let the subject rest. Toward the close, however, of the year, the King, by a special message, required to know what proceedings they had adopted in consequence of his advice. Upon this the Directors summoned a General Court, and the following evasive resolution was voted: "That this Company, as they have always been, so are they still ready to embrace every opportunity by which they may manifest their duty to his Majesty, and zeal for the public good, and that they are desirous to contribute their utmost endeavours for the preservation of the East India trade to this kingdom, and are willing to agree with the New Company upon reasonable terms." The English Company were more explicit; they readily specified the conditions on which they were willing to form a coalition; upon which the London Company proposed that seven individuals on each side should be appointed, to whom the negotiation should be entrusted, and by whom the terms should be discussed.[1]

As the expiration approached of the three years which were granted to the London Company to continue trade on their whole stock, they became more inclined to an accommodation. In their first proposal they aimed at the extinction of the rival Company. As a committee of the House of Commons had been formed, "to receive proposals for paying off the national debts, and advancing the credit of the

[1] Bruce, iii. 290, 293, 355.

BOOK I. CHAP. 5. 1701.

nation," they made a proposition to pay off the 2,000,000*l.* which government had borrowed at usurious interest from the English Company, and to hold the debt at five per cent. The proposal, though entertained by the committee, was not relished by the House; and this project was defeated.[1] The distress, however, in which the Company were now involved, their stock having within the last ten years fluctuated from 300 to 37 per cent.,[2] rendered some speedy remedy indispensable. The committee of seven, which had been proposed in the Answer to the King, was now resorted to in earnest, and was empowered by a General Court, on the 17th of April, 1701, to make and receive proposals for the union of the two Companies.

It was the beginning of January, in the succeeding year, before the following general terms were adjusted and approved: That the Court of twenty-four Managers or Directors should be composed of twelve individuals chosen by each Company; that of the annual exports, the amount of which should be fixed by the Court of Managers, a half should be furnished by each Company; that the Court of Managers should have the entire direction of all matters relating to trade and settlements subsequently to this union; but that the factors of each Company should manage separately the stocks which each had sent out previously to the date of that transaction; that seven years should be allowed to wind up the separate concerns of each Company; and that, after that period, one great joint-stock should be formed by the final union of the funds of both. This agreement

[1] Bruce, 124.
[2] Anderson's Hist. of Commerce, Macpherson, ii. 705.

BOOK I. CHAP. 5.

1702.

was confirmed by the General Courts of both Companies on the 27th April, 1702.[1]

An indenture tripartite, including the Queen and the two East India Companies, was the instrument adopted for giving legal efficacy to the transaction. For equalizing the shares of the two Companies, the following scheme was devised. The London Company, it was agreed, should purchase at par as much of the capital of the English Company, lent to government, as, added to the 315,000*l.* which they had already subscribed, should render equal the portion of each. The dead stock of the London Company was estimated at 330,000*l.*; that of the English Company at 70,000*l.*; whereupon, the latter paid 130,000*l.* for equalizing the shares of this part of the common estate. On the 22d July, 1702, the indenture passed under the great seal; and the two parties took the common name of *The United Company of Merchants trading to the East Indies.*[2]

On the foundation on which the affairs of the two Companies were in this manner placed, they continued, with considerable jarrings and contention, especially between the functionaries in India, till the

[1] Bruce, iii. 424 to 426. Of the subtleties which at this time entered into the policy of the Company, the following is a specimen. Sir Basil Firebrace, or Firebrass, a notorious jobber who had been an interloper, and afterwards joined with the London Company, was now an intriguer for both Companies. At a General Court of the London Company, on the 23d April, 1701, this man stated, that he had a scheme to propose, which he doubted not would accomplish the union desired; but required to know what recompense should be allowed him, if he effected this important end. By an act of the Court, the committee of seven were authorized to negotiate, with Sir Basil, the recompense which he ought to receive; and after repeated conferences with the gentleman, they proposed to the Court of Committees, that if he effected the union, 150,000*l.* of the stock of the Company should be transferred to him on his paying 80*l.* per cent. In other words, he was to receive 20 per cent. on 150,000*l.* or a reward of 30,000*l.* for the success of his intrigues. Ibid. See also Macpherson, ii. 663.

[2] Bruce, iii. 486 to 491.

BOOK I. CHAP. 5.

1708.

season 1707-8, when an event occurred, which necessitated the accommodation of differences, and accelerated the completion of the union. A loan of 1,200,000*l.*, without interest, was exacted of the two Companies for the use of government. The recollection of what had happened, when the body of private adventurers were formed into the English East India Company, made them dread the offers of a new body of adventurers, should any difficulty be found on their part. It was necessary, therefore, that the two Companies should lay aside all separate views, and cordially join their endeavours to avert the common danger.

It was at last agreed, that all differences subsisting between them should be submitted to the arbitration of the Earl of Godolphin, then Lord High Treasurer of England; and that the union should be rendered complete and final upon the award which he should pronounce. On this foundation, the act, 6th Anne, ch. 17, was passed; enacting that a sum of 1,200,000*l.* without interest should be advanced by the United Company to government, which, being added to the former advance of 2,000,000*l.* at 8 per cent. interest, constituted a loan of 3,200,000*l.* yielding interest at the rate of 5 per cent. upon the whole; that to raise this sum of 1,200,000*l.* the Company should be empowered to borrow to the extent of 1,500,000*l.* on their common seal, or to call in moneys to that extent from the Proprietors; that this sum of 1,200,000*l.* should be added to their capital stock; that instead of terminating on three years' notice after the 29th of September, 1711, their privileges should be continued till three years notice after the 25th of March, 1726, and till repayment of their capital; that the stock of the separate adventures of the General Society, amounting to 7,200*l.*, which had

never been incorporated into the joint-stock of the English Company, might be paid off, on three years' notice after the 29th of September, 1711, and merged in the joint-stock of the United Company; and that the award of the Earl of Godolphin, settling the terms of the Union, should be binding and conclusive on both parties.[1]

The award of Godolphin was dated and published on the 29th of September, 1708. It referred solely to the winding up of the concerns of the two Companies; and the blending of their separate properties into one stock, on terms equitable to both. As the assets or effects of the London Company in India fell short of the debts of that concern, they were required to pay by instalments to the United Company the sum of 96,615*l.* 4*s.* 9*d.*: and as the effects of the English Company in India exceeded their debts, they were directed to receive from the United Company the sum of 66,005*l.* 4*s.* 2*d.*; a debt, due by Sir Edward Littleton in Bengal, of 80,437 rupees and 8 anas, remaining to be discharged by the English Company on their own account. On these terms the whole of the property and debts of both Companies abroad became the property and debts of the United Company. With regard to the debts of both Companies in Britain, it was in general ordained that they should all be discharged before the 1st of March, 1709; and as those of the London Company amounted to the sum of 399,795*l.* 9*s.* 1*d.* they were empowered to call upon their Proprietors, by three several instalments, for the means of liquidation.[2]

As the intercourse of the English nation with the people of India was now destined to become, by a rapid progress, both very intimate, and very exten-

[1] Bruce, iii. 635 to 639; Stat. 6 A. c. 17.

[2] Ib. 667 to 679. Macpherson, iii. 1, 2.

BOOK I. CHAP. 5. 1708.

sive, a full account of the character and circumstances of that people is required for the understanding of the subsequent proceedings and events.

The population of those great countries consisted chiefly of two Races: one, who may here be called the Hindu; another, the Mahomedan Race. The first were the aboriginal inhabitants of the country. The latter were subsequent invaders; and insignificant, in point of number, compared with the first.

The next two Books will be devoted to the purpose of laying before the reader all that appears to be useful in what is known concerning both these classes of the Indian people. To those who delight in tracing the phenomena of human nature; and to those who desire to know completely the foundation upon which the actions of the British people in India have been laid, this will not appear the least interesting department of the work.

BOOK II.

OF THE HINDUS.

CHAP. I.

Chronology and Ancient History of the Hindus.

RUDE nations seem to derive a peculiar gratification from pretensions to a remote antiquity.[1] As a boastful and turgid vanity distinguishes remarkably the oriental nations they have in most instances carried their claims extravagantly high. We are informed in a fragment of Chaldaic history, that there were written accounts, preserved at Babylon with BOOK II. CHAP. 1.

[1] Mr. Gibbon remarks, (Hist. Decl. and Fall of the Roman Empire, p. 350,) that the wild Irishman, as well as the wild Tartar, can point out the individual son of Japhet from whose loins his ancestors were lineally descended.—According to Dr. Keating (History of Ireland, 13), the giant Partholanus, who was the son of Seara, the son of Esra, the son of Sru, the son of Framant, the son of Fathaclan, the son of Magog, the son of Japhet, the son of Noah, landed on the coast of Munster, the 14th day of May, in the year of the world 1978.—The legends of England are not less instructive. A fourth or sixth son of Japhet named Samothes, having first colonized Gaul, passed over into this island, which was thence named Samothia, about 200 years after the flood; but the Samothians being some ages afterwards subdued by Albion, a giant son of Neptune, he called the island after his own name, and ruled it forty-four years. See the story, with some judicious reflections, in Milton's History of England (Prose Works of Milton, iv. 3. Ed. 1806). "The Athenians boasted that they were as ancient as the sun. The Arcadians pretended they were older than the moon. The Lacedemonians called themselves the sons of the earth, &c. such in general was the madness of the ancients on this subject! They loved to lose themselves in an abyss of ages which seemed to approach eternity." Goguet, Origin of Laws, v. i. b. 1. ch. 1, art. 5. See the authorities there quoted.

BOOK II. CHAP. 1.

the greatest care, comprehending a term of fifteen myriads of years.[1] The pretended duration of the Chinese monarchy is still more extraordinary. A single king of Egypt was believed to have reigned three myriads of years.[2]

The present age of the world, according to the system of the Hindus, is distinguished into four grand periods, denominated yugs. The first is the Satya yug, comprehending 1,728,000 years; the second the Treta yug, comprehending 1,296,000 years; the third the Dwapar yug, including 864,000 years; and the fourth the Cali yug, which will extend to 432,000 years. Of these periods the first three are expired, and in the year 1817 of the Christian era, 4911 years of the last. From the commencement, therefore, of the Satya yug, to the present time, is comprehended a space of 3,892,911 years, the antiquity to which this people lay claim.[3]

[1] Eusebii Chronicon, p. 5. Syncelli Chronograph. p. 28. Bryant's Ancient Mythology, iv. 127. 8vo. edit.

[2] Syncelli Chronicon, p. 51. Herodotus informs us, (lib. ii. c. 2,) that the Egyptians considered themselves as the most ancient of mankind, till an experiment made by Psammetichus convinced them that the Phrygians alone preceded them. But the inhabitants of the further Peninsula of India make the boldest incursions into the regions of past times. The Burmans, we are informed by Dr. Buchanan, (As. Res. vi. 181,) believe that the lives of the first inhabitants of their country lasted one *assenchii*, a period of time of which they thus communicate an idea: "If for three years it should rain incessantly over the whole surface of this earth, which is 1,203,400 juzana in diameter, the number of drops of rain falling in such a space and time, although far exceeding human conception, would only equal the number of years contained in one assenchii."

[3] Sir William Jones's Discourse on the Chronology of the Hindus, (As. Res. ii. 111, 8vo Ed.) also that on the Gods of Greece, Italy, and India, (Ibid. i. 221.)—See too Mr. Bentley's Remarks on the principal Eras and Dates of the ancient Hindus, (Ibid. v. 315); and the Discourse of Captain F. Wilford on the Chronology of the Hindus, in the same volume, p. 24.—Consult also Mr. Marsden's Discourse on the Chronology of the Hindus, (Phil. Trans. lxxx. 568.) These authors, having all drawn from the same sources, display an appearance of uni-

The contempt with which judicious historians now treat the historical fables of early society, must be indulged with caution when we explore the ancient condition of Hindustan; because the legendary tales of the Hindus have hitherto, among European inquirers, been regarded with particular respect; and because, without a knowledge of them, much of what has been written in Europe concerning the people of India cannot be understood.[1] It is necessary, there-

formity and certainty in this part of the Hindu system. It is amusing to contemplate the wavering results of their predecessors. Mr. Halhed, in the preface to his Translation of the Code of Gentoo Laws, thus states the number of years, and thus spells the names of the epochs; 1. The Suttee Jogue, 3,200,000 years; 2. The Tirtah Jogue, 2,400,000 years; 3. the Dwapaar Jogue, 1,600,000; 4. the Collee Jogue, 400,000.—Colonel Dow marks the Suttee Jogue at 14,000,000; the Tirtah Jogue at 1,080,000; the Dwapaar Jogue, 72,000; and the Collee Jogue, 36,000 years. (History of Hindostan, i. 2.)—M. Bernier, whose knowledge of India was so extensive and accurate, gives, on the information of the Brahmens of Benares, the Satya yug at 2,500,000 years, the Treta at 1,200,000, the Dwapar at 864,000, and assigns no period to the Cali yug. (Voyages, ii. 160.)—Messrs. Roger and le Gentil, who received their accounts from the Brahmens of the coast of Coromandel, coincide with Sir William Jones, except that they specify no duration for the Cali yug. (Porte Ouverte, p. 179; Mem. de l'Academ. des Sciences pour 1772, tom. ii. part 1. p. 17.)—The account of Anquetil Duperron agrees in every particular with that of Sir W. Jones; Recherches Historiques et Geographiques sur l'Inde, Lettre sur les Antiquités de l'Inde.—The four ages of the Mexicans bear a remarkable resemblance to those of the Hindus, and of so many other nations. "All the nations of Anahuac (says Clavigero, History of Mexico, B. vi. sect. 24,) distinguished four ages of time by as many suns. The first, named Atonatiuh, that is, the sun (or the age) of water, commenced with the creation of the world, and continued until the time at which all mankind perished in a general deluge along with the first sun. The second, Tlaltonatiuh, the age of earth, lasted from the deluge until the ruin of the giants, &c. The third, Ehécatonatiuh, the age of air, lasted from the destruction of the giants, till the great whirlwinds, &c. The fourth, Tletonatiuh, commenced at the last-mentioned catastrophe, and is to last till the earth be destroyed by fire.

[1] The reader will by and bye be prepared to determine for himself how far the tales of the Brahmens deserve exemption from the sentence which four great historians have, in the following passages, pronounced on the fanciful traditions of early nations. "The curiosity," says Mr.

BOOK II. CHAP. 1.

fore, to relate, that at the commencement of the Satya yug, or 3,892,911 years ago, lived Satyavrata, otherwise denominated Vaivaswata, and also the seventh Menu. He had escaped with his family from an universal deluge, which had destroyed the rest of the human species.[1] Of his descendants were two royal branches: the one denominated the children of the sun; the other the children of the moon. The first reigned at Ayodhya or Owde; the second at Pratisht'hana or Vitora. These families or dynasties subsisted till the thousandth year of the present or Cali yug, at which time they both became extinct;

Hume, "entertained by all civilized nations, of inquiring into the exploits and adventures of their ancestors, commonly excites a regret that the history of remote ages should always be so much involved in obscurity, uncertainty, and contradiction. * * * The fables which are commonly employed to supply the place of true history ought entirely to be disregarded; or, if any exception be admitted to this general rule, it can only be in favour of the ancient Grecian fictions, which are so celebrated and so agreeable, that they will ever be the objects of the attention of mankind." (Hume's History of England, i. ch. 1.)—"Nations," says Robertson, "as well as men, arrive at maturity by degrees, and the events which happened during their infancy or early youth cannot be recollected, and deserve not to be remembered. * * * Every thing beyond that short period, to which well-attested annals reach, is obscure; an immense space is left for invention to occupy; each nation, with a vanity inseparable from human nature, hath filled that void with events calculated to display its own antiquity and lustre. And history, which ought to record truth, and teach wisdom, often sets out with retailing fictions and absurdities." (Robertson's History of Scotland, i. b. 1.)—Mr. Gibbon, speaking of a people (the Arabians) who in traditions and antiquity bear some resemblance to the Hindus, says, "I am ignorant, and I am careless, of the blind mythology of the Barbarians." (History of the Decline and Fall of the Roman Empire. ix. 244, 8vo. edit.) Of a people still more remarkably resembling the Hindus, he says, "We may observe, that after an ancient period of fables, and a long interval of darkness, the modern histories of Persia begin to assume an air of truth with the dynasty of the Sassanides." (Ib. i. 341.)—"Quæ ante conditam condendamve urbem, poeticis magis decora fabulis quam incorruptis rerum gestarum monumentis traduntur, ea nec affirmare nec refellere in animo est. *Livii Prefat.*

[1] The coincidence in the tradition respecting Satyavrata and the history of Noah are very remarkable, and will be further noticed hereafter.

and a list of the names of the successive princes is presented in the Sanscrit books.[1]

Satyavrata, the primitive sire, prolonged his existence and his reign through the whole period of the Satya yug, or 1,728,000 years.[2] From this patriarchal monarch are enumerated, in the solar line of his descendants, fifty-five princes, who inherited the sovereignty till the time of Rama. Now it is agreed among all the Brahmens that Rama filled the throne of Ayodhya at the end of the Treta yug. The reigns, therefore, of these 55 princes, extending from the beginning to the end of that epoch, filled 1,296,000 years, which, at a medium, is more than 23,000 years to each reign. During the next, or Dwapar yug, of 864,000 years, twenty-nine princes are enumerated, who must, at an average, have reigned each 29,793 years. From the beginning of the present, or Cali yug, to the time when the race of solar princes became extinct, are reckoned 1000 years, and thirty princes. There is a wonderful change, therefore, in the last age, in which only thirty-three years, at a medium, are assigned to a reign.[3]

[1] Sir Wm. Jones, As. Res. ii. 119, 120, 127.

[2] Sir Wm. Jones, Ib. 126. He was the son of Surya, (or *Sol*), the son of Casyapa (or *Uranus*), the son of Marichi (or *Light*), the son of Brahma, "which is clearly," says Sir Wm. Jones, "an allegorical pedigree." The Hindu pedigrees and fables, however, being very variable, he is, in the opening of the fourth book of the Gita, called, not the son of the Sun, but the Sun himself. Sir Wm. Jones, Ib. 117. In a celestial pedigree the Hindus agree with other rude nations. There is a curious passage in Plato respecting the genealogy of the Persian kings. They were descended, he says, from Achæmenes, sprung from Perseus the son of Zeus (Jupiter.) Plat. Alcib. i.

[3] Compare the list of princes in the several yugs, exhibited in the Discourse of Sir Wm. Jones, As. Res. iii. 128 to 136, with the assigned duration of the yugs. The lineage of the lunar branch, who reigned in Pratisht'hana, or Vitora, during exactly the same period, is in all respects similar, excepting that the number of princes, in the first two ages, is in this line fewer by fifteen than in the line of solar princes.

BOOK II. CHAP. 1.

Beside the two lines of solar and lunar kings, a different race, who reigned in Magadha, or Bahar, commence with the fourth age. Of these, twenty in regular descent from their ancestor Jarasandha extended to the conclusion of the first thousand years of the present yug, and were cotemporary with the last thirty princes of the solar and lunar race.[1] At the memorable epoch of the extinction of those branches, the house of Jarasandha also failed; for the reigning prince was slain by his prime minister, who placed his son Pradyota on the throne. Fifteen of the descendants of this usurper enjoyed the sovereignty, and reigned from the date of his accession 498 years, to the time of Nanda, the last prince of the house of Pradyota. He, after a reign of 100 years, was murdered by a Brahmen, who raised to the throne a man of the Maurya race, named Chandragupta. This prince is reckoned, by our Oriental antiquarians, the same with Sandracottos or Sandracuptos, the cotemporary of Alexander the Great. Only nine princes of his line succeeded him, and held the sceptre for 137 years. On the death of the last, his commander in chief ascended the throne, and, together with nine descendants, to whom he transmitted the sovereignty, reigned 112 years. After that period the reigning prince was killed, and succeeded by his minister Vasudeva. Of his family only four princes are enumerated; but they are said to have reigned 345 years. The throne was next

From this it has been supposed, that a chasm must exist in the genealogy of those princes; But surely without sufficient reason; since, if we can admit that eighty-five princes in the solar line could outlive the whole third and fourth ages, amounting to 2,160,000 years, we may, without much scruple, allow that seventy princes in the lunar could extend through the same period.

[1] The reigns of those princes, therefore, must have been fifty years at an average.

usurped by a race of Sudras, the first of whom slew his master, and seized the government. Twenty-one of this race, of whom Chandrabija was the last, reigned during a space of 456 years.[1] The conclusion of the reign of this prince corresponds therefore with the year 2648 of the Cali yug, and with the year 446 before the birth of Christ.[2] And with him, according to Sir William Jones, closes the authentic system of Hindu chronology.[3]

It is a most suspicious circumstance, in the pretended records of a nation, when we find positive statements for a regular and immense series of years, in the remote abyss of time, but are entirely deserted

[1] As. Res. ii. 137 to 142.

[2] According to the Brahmens, 4911 years of the Cali yug were elapsed in the beginning of April, A. D. 1817, from which deducting 2648, the year of the Cali yug in which the reign of Chandrabija terminated, you have 2263, the number of years which have intervened since that period, and which carry it back to 446 years before Christ.

[3] As. Res. ii. 142, 3.—We have been likewise presented with a genealogical table of the great Hindu dynasties by Captain Wilford, (As. Res. v. 241,) which he says is faithfully extracted from the Vishnu Purana, the Bhagavat, and other Puranas, and which, on the authority of numerous MSS. which he had collated, and of some learned Pundits of Benores whom he had consulted, he exhibits as the only genuine chronological record of Indian history which had yet come to his knowledge. But this differs in numerous particulars from that of the learned Pundit Radhacant, exhibited by Sir William Jones, and which Sir William says, "that Radhacant had diligently collected from several Puranas." Thus it appears that there is not even a steady and invariable tradition or fiction on this subject: At the same time that the table of Captain Wilford removes none of the great difficulties which appear in that of Sir Wm. Jones. The most remarkable difference is exhibited in the line of the solar princes, whose genealogy Captain Wilford has taken from the Ramayan, as being, he thinks, consistent with the ancestry of Arjuna and Crishna, while that given by Sir William Jones and Radhacant, he says, is not.—The reader may also compare the *Rajuturungu*, a history of the Hindus compiled by Mrityoonjuyu, the head Sanscrit Pundit in the College of Fort William; translated and published in the first volume of "An Account of the Writings, Religion, and Manners of the Hindus," by Mr. Ward, printed at Serampore, in four volumes 4to. 1811.

BOOK II. CHAP. 1.

by them when we descend to the ages more nearly approaching our own. Where annals are real, they become circumstantial in proportion as they are recent; where fable stands in the place of fact, the times over which the memory has any influence are rejected, and the imagination riots in those in which it is unrestrained. While we receive accounts, the most precise and confident, regarding the times of remote antiquity, not a name of a prince in after ages is presented in Hindu records. A great prince, named Vicramaditya, is said to have extended widely his conquests and dominion, and to have reigned at Magadha 396 years after Chandrabija. From that time even fiction is silent.[1] We hear no more of the Hindus and their transactions, till the era of Mahomedan conquest; when the Persians alone become our instructors.

After the contempt with which the extravagant claims to antiquity of the Chaldeans and Egyptians had always been treated in Europe, the love of the marvellous is curiously illustrated by the respect which has been paid to the chronology of the Hindus.[2] We received indeed the accounts of the Hindu chronology, not from the incredulous historians of Greece and Rome, but from men who had seen the people; whose imagination had been powerfully affected by the spectacle of a new system of manners, arts, institutions, and ideas; who naturally expected to augment the opinion of their own consequence, by the greatness of the wonders which they had been fa-

[1] Sir Wm. Jones, As. Res. ii. 142.

[2] Mr. Halhed seems, in his pref. to Code of Gent. Laws, to be very nearly reconciled to the Hindu chronology: at any rate he thinks the believers in the Jewish accounts of patriarchal longevity have no reason to complain, p. xxxvii. He has since, however, made a confession at second hand, of an alteration in his belief as to the antiquity of the Hindus. See Maurice's Hist. of Hindostan, i. 88.

voured to behold; and whose astonishment, admiration, and enthusiasm, for a time, successfully propagated themselves. The Hindu statements, if they have not perhaps in any instance gained a literal belief, have almost universally been regarded as very different from the fictions of an unimproved and credulous people, and entitled to a very serious and profound investigation. Yet they are not only carried to the wildest pitch of extravagance, but are utterly inconsistent both with themselves and with other established opinions of the Brahmens.

Of this a single specimen will suffice. The character which the Brahmens assign to the several yugs is a remarkable part of their system. The Satya yug is distinguished by the epithet of golden; the Treta yug by that of silver; The Dwapar yug by that of copper; and the Cali yug is denominated earthen.[1] In these several ages the virtue, the life, and the stature of man, exhibited a remarkable diversity. In the Satya yug, the whole race were virtuous and pure; the life of man was 100,000 years, and his stature 21 cubits. In the Treta yug, one third of mankind were corrupt; and human life was reduced to 10,000 years. One half of the human race were depraved in the Dwapar yug, and 1000 years bounded the period of life. In the Cali yug, all men are corrupt, and human life is restricted to 100 years.[2] But though in the Satya yug men lived only 100,000 years, Satyavrata, according to

[1] See Sir Wm. Jones, Discourse on the Gods of Greece, Italy, and India, As. Res. i. 236. The similarity between the Hindu description of the four yugs, and that of the four ages of the world by the Greeks, cannot escape attention. We shall have occasion to notice many other very striking marks of affinity between their several systems.

[2] I have followed Mr. Halhed in the number of years (see Preface to Code of Gentoo Laws), though a derivative authority, because his statement is the highest, and by consequence the least unfavourable to the consistency of the Hindu chronology. In the Institutes of Menu,

BOOK II. CHAP. 1.

the chronological fiction, reigned 1,728,000 years; in the Treta yug, human life extended only to 10,000 years, yet fifty-five princes reigned, each at a medium, more than 23,000 years; in the Dwapar yug, though the life of man was reduced to 1000 years, the duration of the reigns was even extended, for twenty-nine princes held each the sceptre in this period for 29,793 years.[1]

The wildness and inconsistency of the Hindu statements evidently place them beyond the sober limits of truth and history; yet it has been imagined, if their literal acceptation must of necessity be renounced, that they at least contain a poetical or figurative delineation of real events, which ought to be studied for the truths which it may disclose. The labour and ingenuity which have been bestowed upon this inquiry, unfortunately have not been attended with an adequate reward. No suppositions, however gratuitous, have sufficed to establish a consistent theory. Every explanation has failed. The Hindu legends still present a maze of unnatural fictions, in which a series of real events can by no artifice be traced.[2]

(ch. i. 83,) human life for the Satya yug is stated at 400 years, for the Treta yug at 300, the Dwapar 200, and the Cali yug at 100 years.

[1] There is a very remarkable coincidence between the number of years specified in this Hindu division of time, and a period marked in a very curious fragment of the Chaldean History. The Cali yug, it appears from the text, amounts to 432,000 years, and the aggregate of the four yugs, which the Hindus call a Maha yug, or great yug, amounts to a period expressed by the same figures, increased by the addition of a cipher, or 4,320,000. Now Berosus informs us, that the first king of Chaldea was Alorus, who reigned ten sari, that a sarus is 3,600 years; that the first ten kings, whose reigns seem to have been accounted a great era, reigned 120 sari, which compose exactly 432,000 years, the Hindu period. See Eusebii Chronic. p. 5, where this fragment of Berosus is preserved; Syncelli Chronograph. p. 28. See also Bryant's Analysis of Ancient Mythology, iii. 95 to 126, for a most lenrned and ingenious commentary on this interesting fragment.

[2] A learned author pronounces them inferior even to the legends of the Greeks, as evidence of primeval events. "Oriental learning is now

The internal evidence which these legends display, afforded indeed, from the beginning, the strongest reason to anticipate this result. The offspring of a wild and ungoverned imagination, they mark the state of a rude and credulous people, whom the marvellous delights; who cannot estimate the use of a record of past events; and whose imagination the real occurrences of life are too familiar to engage.[1]

employed in unravelling the mythology of India, and recommending it as containing the seed of primeval history; but hitherto we have seen nothing that should induce us to relinquish the authorities we have been used to respect, or make us prefer the fables of the Hindus or Guebres, to the fables of the Greeks." Vincent, Periplus of the Erithrean Sea, Part i. 9. It may be added, that if the Greeks, the most accomplished people of antiquity, have left us so imperfect an account of the primitive state of their own country, little is to be expected from nations confessedly and remarkably inferior to them.

[1] That propensity which so universally distinguishes rude nations, and forms so remarkable a characteristic of uncivilized society—of filling the ages that are past with fabulous events and personages, and of swelling every thing beyond the limits of nature, may be easily accounted for. Every passion and sentiment of a rude people is apt to display itself in wild and extravagant effects. National vanity follows the example of the other passions, and indulges itself, unrestrained by knowledge, in such fictions as the genius of each people inspires. *Datur hæc venia antiquitati, ut miscendo humana divinis, primordia urbium augustiora faciat.* (Liv. Pref.) Of an accurate record of antecedent events, yielding lessons for the future by the experience of the past, uncultivated minds are not sufficiently capable of reflection to know the value. The real occurrences of life, familiar and insipid, appear too mean and insignificant to deserve to be remembered. They excite no surprise, and gratify no vanity. Every thing, however, which is extraordinary and marvellous, inspires the deepest curiosity and interest. While men are yet too ignorant to have ascertained with any accuracy the boundaries of nature, every thing of this sort meets with a ready belief; it conveys uncommon pleasure; the faculty of inventing is thus encouraged; and fables are plentifully multiplied. It may be regarded as in some degree remarkable, that, distinguished as all rude nations are for this propensity, the people of the East have far surpassed the other races of men in the extravagance of their legends. The Babylonians, the Arabians, the Syrians, the Egyptians, have long been subject to the contempt of Europeans, for their proneness to invent and believe miraculous stories. Lucian deems it a sarcasm, the bitterness of which would be universally felt, when he says of an author, infamous for the incredible stories which

BOOK II. CHAP. 1.

To the monstrous period of years which the legends of the Hindus involve, they ascribe events the most extravagant and unnatural: events not even connected in chronological series; a number of independent and incredible fictions. This people, indeed, are perfectly destitute of historical records.[1] Their ancient literature affords not a single production to which the historical character belongs. The works in which the miraculous transactions of former times are described, are poems. Most of them are books of a religious character, in which the exploits of the gods, and their commands to mortals, are repeated or revealed. In all, the actions of men and those of deities are mixed together, in a set of legends, more absurd and extravagant, more transcending the bounds of nature and of reason, less grateful to the imagination and taste of a cultivated and rational people, than those which the fabulous history of any other nation presents to us. The Brahmens are the most audacious, and perhaps the most unskilful fabricators, with whom the annals of fable have yet made us acquainted.[2]

he had inserted in his history, that he had attained this perfection in lying, though he had never associated with a Syrian. (Quom. Cons. Hist.) The scanty fragments which have reached us of the histories of those other nations, have left us but little acquainted with the particular fables of which they compose their early history. But our more intimate acquaintance with the people of southern Asia has afforded us an ample assortment of their legendary stories.

[1] "There is no known history of Hindoostan (that rests on the foundation of Hindu materials or records) extant, before the period of the Mahomedan conquests." Rennel's Memoir, Introduction, xl. The Hindus have no ancient civil history, nor had the Egyptians any work purely historical. Wilford on Egypt and the Nile, As. Res. iii. 296.

[2] If the authority of a Sanscrit scholar be wanted to confirm this harsh decision, we may adduce that of Captain Wilford, who, in his Discourse on Egypt and the Nile, As. Res. iii. 29, thus expresses himself: "The mythology of the Hindus is often inconsistent and contradictory, and the same tale is related many different ways. Their physiology,

The people of Hindustan and the ancient nations of Europe came in contact at a single point. The expedition of Alexander the Great began, and in some sort ended, their connexion. Even of this event, so recent and remarkable, the Hindus have no record; they have not a tradition that can with any certainty be traced to it. Some particulars in their mythological stories have by certain European inquirers been *supposed* to refer to the transactions of Alexander, but almost any part as well as another of these unnatural legends may, with equal propriety, receive the same distinction.[1] The information which we

astronomy, and history, are involved in allegories and enigmas, which cannot but seem extravagant and ridiculous; nor could any thing render them supportable, but a belief that most of them have a recondite meaning; though many of them had, perhaps, no firmer basis than the heated imagination of deluded fanatics, or of hypocrites interested in the worship of some particular deity. Should a key to their eighteen Puranas exist, it is more than probable that the wards of it would be too intricate, or too stiff with the rust of time, for any useful purpose."

"The Hindu system of geography, chronology, and history, are all equally monstrous and absurd." Wilford on the Chronol. of the Hindus, As. Res. v. 241.

Another Oriental scholar of some eminence, Mr. Scott Waring, says, in his Tour to Sheeraz, p. iv. "that the Hindu mythology and history appear to be buried in impenetrable darkness."

[1] Dr. Robertson (Disquis. concerning Anc. India, note viii. p. 301.) says, "that some traditional knowledge of Alexander's invasion of India is still preserved in the northern provinces of the Peninsula, is manifest from several circumstances." But these circumstances, when he states them, are merely such as this, that a race of Rajahs claim to be descended from Porus, or rather from a prince of a name distantly resembling Porus, which European inquirers *conjecture* may be the same. The other circumstance is, that a tribe or two, on the borders of ancient Bactria, *are said* to represent themselves as the descendants of some Greeks left there by Alexander. The modern Hindus, who make it a point to be ignorant of nothing, pretend, when told of the expedition of Alexander, to be well acquainted with it, and say, "That he fought a great battle with the Emperor of Hindoostan near Delhi, and, though victorious, retired to Persia across the northern mountains: so that the remarkable circumstance of his sailing down the Indus, in which he employed many months, is sunk altogether." Major Rennel, Memoir, p. xl.

BOOK II. CHAP. 1.

have received of the Greek invasion from the Greeks themselves, is extremely scanty and defective. The best of their writings on the subject have been lost, but we have no reason to suppose that their knowledge of the Hindus was valuable. That of the modern Europeans continued very imperfect, after they had enjoyed a much longer and closer intercourse with them, than that of the Greeks. In fact, it was not till they had studied the Indian languages, that they acquired the means of full and accurate information. But the Greeks, who despised every foreign language, made no exception in favour of the sacred dialect of the Hindus, and we may rest satisfied that the writings of Megasthenes and others contained few particulars by which our knowledge of the Brahmenical history could be improved.[1]

From the scattered hints, contained in the writings of the Greeks, the conclusion has been drawn, that the Hindus, at the time of Alexander's invasion, were in a state of manners, society, and knowledge, exactly the same with that in which they were discovered by the nations of modern Europe; nor is there any reason for differing widely from this opinion. It is certain that the few features of which we have any description from the Greeks, bear no inaccurate resemblance to those which are found to distinguish this people at the present day. From this resemblance, from the state of improvement in which the Indians remain, and from the stationary condition in which their institutions first, and then

[1] It affords a confirmation of this, that the Greeks have left us no accounts, in any degree satisfactory, of the manners and institutions of the ancient Persians, with whom they had so extended an intercourse; or of the manners and institutions of the Egyptians, whom they admired, and to whom their philosophers resorted for wisdom.

their manners and character, have a tendency to fix them, it is no unreasonable supposition, that they have presented a very uniform appearance during the long interval from the visit of the Greeks to that of the English. Their annals, however, from that era till the period of the Mahomedan conquests, are a blank.

With regard to the ancient history of India, we are still not without resources. The meritorious researches of the modern Europeans, who have explored the institutions, the laws, the manners, the arts, occupations and maxims of this ancient people, have enabled philosophy to draw the picture of society, which they have presented, through a long revolution of years. We cannot describe the lives of their kings, or the circumstances and results of a train of battles. But we can show how they lived together as members of the community, and of families; how they were arranged in society; what arts they practised, what tenets they believed, what manners they displayed; under what species of government they existed; and what character, as human beings, they possessed. This is by far the most useful and important part of history; and if it be true, as an acute and eloquent historian has remarked, "that the sudden, violent, and unprepared revolutions incident to barbarians, are so much guided by caprice, and terminate so often in cruelty, that they disgust us by the uniformity of their appearance, and it is rather fortunate for letters that they are buried in silence and oblivion,"[1] we have perhaps but little to regret in the total absence of Hindu records.[2]

[1] Hume's Hist. of England, i. 2.

[2] Toute homme du bon entendement, sans voir une histoire, peut presque imaginer de quelle humeur fut un peuple, lorsqu'il lit ses an-

BOOK II. CHAP. 1.

Whatever theory we adopt with regard to the origin of mankind, and the first peopling of the world, it is natural to suppose, that countries were at first inhabited by a very small number of people. When a very small number of men inhabit a boundless country, and have intercourse only among themselves, they are by necessary consequence barbarians. If one family, or a small number of families, are under the necessity of providing for themselves all the commodities which they consume, they can have but few accommodations, and these imperfect and rude. In those circumstances the exigencies of life are too incessant, and too pressing, to allow time or inclination for the prosecution of knowledge. The very ideas of law and government, which suppose a large society, have no existence: men are unavoidably ignorant and unrefined; and if much pressed with difficulties, they become savage and brutal.[1]

ciens statuts et ordonnances; et d'un meme jugement peut tirer en conjecture quelles furent ses loix voyant sa maniere de vivre. Etienne Pasquier, Recherches de la France, liv. iv. ch. 1. The sage President de Goguet, on a subject remarkably similar, thus expresses himself:—"The dates and duration of the reigns of the ancient kings of Egypt are subject to a thousand difficulties, which I shall not attempt to resolve. In effect, it is of little importance to know the number of their dynasties, and the names of their sovereigns. It is far more essential to understand the laws, arts, sciences, and customs of a nation, which all antiquity has regarded as a model of wisdom and virtue. These are the objects I propose to examine, with all the care and exactness I am capable of." Origin of Laws, Part I. Book I. ch. i. art. 4.

[1] There is a remarkable passage in Plato, at the beginning of the third book De Legibus, in which he describes the effects which would be produced on a small number of men, left alone in the world, or some uncultivated part of it. He is describing the situation of a small number of persons left alive by a flood, which had destroyed the rest of mankind—Ὁι τοτε περιφυγοντες την φθοραν σχεδον ορειοι τινες αν ειεν νομεις, εν κορυφαις που σμικρα ζωπυρα του των ανθρωπων γενους διασεσωσμενα.—Και δη τους τοιουτους γε αναγκη που των αλλων απειρους ειναι τεχνων, και των εν τοις αστεσι προς αλληλους μηχανων.—Ουκουν οργανα τε παντα απολλυσθαι, και ει τι τεχνης ην εχομενον σπουδαιας ἑυρημενον, η πολιτικης, η και σοφιας τινος ἑτερας, παντα ερρειν ταυτα εν τῳ

BOOK II. CHAP. 1.

If we suppose that India began to be inhabited at a very early stage in the peopling of the world, its

τοτε χρονῳ φησομεν. (Plat. p. 804.) The Hindus appear to have had similar opinions, though without the reasons.

"We read in the Mahad-himalaya-c'handa, that after a deluge, from which very few of the human race were preserved, men became ignorant and brutal, without arts or sciences, and even without a regular language." Wilford on Egypt and the Nile, As. Res. iii. 394.

There is nothing more remarkable in the traditions of nations, than their agreement respecting the origin of the present inhabitants of the globe. The account of the deluge in the religious books of the Jews may very well be taken as the archetype of the whole. On this subject I willingly content myself with a reference to a book of singular merit, The Analysis of Ancient Mythology, by Jacob Bryant, in which, after making ample allowance for some forced etymologies, and much superstition, the reader will find an extent of learning, a depth of research, and an ingenuity of inference, unrivalled among the inquirers into the early history of the human race. Sir William Jones, who regretted that Mr. Bryant's knowledge of Oriental literature had not enabled him to bring evidence more largely from its stores, and that he had not pursued a plan more strictly analytical, has prosecuted the same inquiry, in a series of Discourses, addressed to the Asiatic Society, on the Hindus, the Arabs, the Tartars, the Persians, the Chinese, &c., and on the Origin and Families of Nations; and by a different plan, and the aid of his Oriental literature, has arrived at the same conclusions.

All inquirers have been struck with the coincidence between the story of Noah, and that of the Hindu primeval sire Satyavrata. We may suspect that there has been a little Brahmenical forcing to make it so exact as in the following passage:—Mr. Wilford says, "It is related in the Padma-Puran, that Satyavrata, whose miraculous preservation from a general deluge is told at length in the Matsya, had three sons, the eldest of whom was named Jyapeti, or Lord of the Earth. The others were C'harma and Sharma, which last are, in the vulgar dialects, usually pronounced C'ham and Sham, as we frequently hear Kishn for Crishna. The royal patriarch (for such is his character in the Puráns), was particularly fond of Jyapeti, to whom he gave all the regions to the north of Himalaya, in the snowy mountains, which extend from sea to sea, and of which Caucasus is a part. To Sharma he allotted the countries to the south of those mountains: But he cursed C'harma; because when the old Monarch was accidentally inebriated with a strong liquor made of fermented rice, C'harma laughed: and it was in consequence of his father's imprecation that he became a slave to the slaves of his brothers." (As. Res. iii. 312, 313.) The following statement by the same enquirer is confirmed by a variety of authorities:—"The first descendants of Swayambhava (another name for Satyavrata) are represented in the Puranas as living in the mountains

BOOK II. CHAP. 1.

first inhabitants must have been few, ignorant, and rude. Uncivilized and ignorant men, transported in small numbers, into an uninhabited country of boundless extent, must wander for many ages before any great improvement can take place. Till they have multiplied so far as to be assembled in numbers large enough to permit the benefits of social intercourse, and of some division of labour, their circumstances seem not susceptible of amelioration. We find, accordingly, that all those ancient nations, whose history can be most depended upon, trace themselves up to a period of rudeness. The families who first wandered into Greece, Italy, and the eastern regions of Europe, were confessedly ignorant and barbarous. The influence of dispersion was no doubt most baneful, where the natural disadvantages were the greatest. In a country overgrown with forest, which denies pasture to cattle, and precludes husbandry, by surpassing the power of single families to clear the land for their support, the wretched inhabitants are reduced to all the hardships of the hunter's life, and become savages. The difficulties with which

to the north of India, toward the sources of the Ganges, and downwards as far as Serinagara and Hari-dwar. But the rulers of mankind lived on the summit of Meru, towards the north: where they appear to have established the seat of justice, as the Puranas make frequent mention of the oppressed repairing thither for redress." Wilford on Chron. of Hind., As. Res. v. 260. "The Mexicans," (says Clavigero, Hist. of Mexico, b. vi. sect. 1.) "had a clear tradition, though somewhat corrupted by fable, of the creation of the world, of the universal deluge, of the confusion of tongues, and of the dispersion of the people; and had actually all these events represented in their pictures (their substitute for writing). They said, that when mankind were overwhelmed with the deluge, none were preserved but a man and woman, named Coxcox and Xochiguebzal, who saved themselves in a little bark, and landing upon a mountain, called Colhuacan, had there a great many children, who were all born dumb; but that a dove at last, from a lofty tree, imparted to them languages; all, however, differing so much, that they could not understand one another."

those families had to struggle who first came into Europe, seem to have thrown them into a situation but few degrees removed from the lowest stage of society. The advantages of India in soil and climate are so great, that those by whom it was originally peopled might sustain no farther depression than what seems inherent in a state of dispersion. They wandered probably for ages in the immense plains and valleys of that productive region, living on fruits, and the produce of their flocks and herds, and not associated beyond the limits of a particular family. Until the country became considerably peopled, it is not even likely that they would be formed into small tribes. As soon as a young man became, in his turn, the head of a family, and the master of cattle, he would find a more plentiful subsistence beyond the range of his father's flocks. It could only happen, after all the most valuable ground was occupied, that disputes would arise, and that the policy of defence would render it an object for the different branches of a family to remain united together, and to acknowledge a common head.

When this arrangement takes place, we have arrived at a new stage in the progress of civil society. The condition of mankind, when divided into tribes, exhibits considerable variety, from that patriarchal association which is exemplified in the history of Abraham, to such combinations as are found among the Tartars, or that distribution into clans, which, at no distant period, distinguished the people of Europe. The rapidity with which nations advance through these several states of society chiefly depends on the circumstances which promote population. Where a small number of people range over extensive districts, a very numerous association is neither natural nor convenient. Some visible boundary, as a mountain

BOOK II. CHAP. 1.

or a river, marks out the limits of a common interest; and jealousy or enmity is the sentiment with which every tribe is regarded by every other. When any people has multiplied so far as to compose a body, too large and unwieldy to be managed by the simple expedients which connected the tribe, the first rude form of a monarchy or political system is devised. Though we have no materials from the Hindus, which yield us the smallest assistance in discovering the time which elapsed in their progress to this point of maturity, we may so far accede to their claims of antiquity, as to allow that they passed through this first stage in the way to civilization very quickly; and perhaps they acquired the first rude form of a national polity at fully as early a period as any portion of the race.[1] It was probably at no great distance from the time of this important change that those institutions were devised, which have been distinguished by a durability so extraordinary; and which present a spectacle so instructive to those, who would understand the human mind, and the laws which, amid all the different forms of civil society, invariably preside over its progress.

[1] The cautious inquirer will not probably be inclined to carry this era very far back. "The newness of the world," says the judicious Goguet, (vol. iii. dissert. 3,) "is proved by the imperfection of many of the arts in the ancient world, and of all the sciences which depend upon length of time and experience." By the newness of the world, he means the newness of human society. In examining the remains of organized bodies which have been extricated from the bowels of the earth, vegetables are found at the greatest depth; immediately above them small shell-fish, and some of the most imperfect specimens of the animal creation; nearer the surface quadrupeds, and the more perfectly organized animals: lastly man, of whom no remains have ever been found at any considerable depth. The inference is, that, compared with the other organized beings on this globe, man is a recent creation. See Parkinson's Organic Remains.

CHAP. II.

Classification and Distribution of the People.

THE transition from the state of tribes to the more regulated and artificial system of a monarchy and laws is not sudden; it is the result of a gradual preparation and improvement. That loose independence, which suits a small number of men, bound together by an obvious utility, scattered over an extensive district, and subject to few interferences of inclination or interest, is found productive of many inconveniences, as they advance in numbers, as their intercourse becomes more close and complicated, and as their interests and passions more frequently clash. When quarrels arise, no authority exists to which the parties are under the necessity of referring their disputes. The punishment of delinquents is provided for by no preconcerted regulation. When subsistence, by the multiplication of consumers, can no longer be obtained without considerable labour, the desire to encroach upon one another adds extremely to the occasions of discord: and the evils and miseries, which prevail, excite at last a desire for a better regulation of their common affairs. But slow is the progress, made by the human understanding, in its rude and ignorant state. No little time is spent; first, in maturing the conviction that a great reformation is necessary; and next, in conceiving the plan which the exigency requires. Many partial remedies are thought of and applied; many failures experienced; evils meanwhile increase, and press more severely; at last men become

BOOK II. CHAP. 2.

weary and disgusted with the condition of things, and prepared for any plausible change which may be suggested to them. In every society there are superior spirits, capable of seizing the best ideas of their times, and, if they are not opposed by circumstances, of accelerating the progress of the community to which they belong. The records of ancient nations give us reason to believe that some individual of this description, exalted to authority by his wisdom and virtue, has generally accomplished the important task of first establishing among a rude people a system of government and laws.

It may be regarded as a characteristic of this primary institution of government, that it is founded upon divine authority. The superstition of a rude people is peculiarly suited to such a pretension. While ignorant and solitary, men are perpetually haunted with the apprehension of superior powers; and, as in this state only they can be imposed upon by the assumption of a divine character and commission, so it is evidently the most effectual means which a great man, full of the spirit of improvement, can employ, to induce a people, jealous and impatient of all restraint, to forego their boundless liberty, and submit to the curb of authority.[1]

[1] There is scarcely an exception to this rule. Minos often retired into a cave, where he boasted of having familiar conversations with Jupiter: Mneues, the great legislator of Egypt, proclaimed Hermes as the author of his laws: it was by the direction of Apollo that Lycurgus undertook the reformation of Sparta: Zaleucus, the legislator of the Locrians, gave out that he was inspired by Minerva: Zathruspes, among the Arimaspians, pretended that his laws were revealed to him, by one of their divinities: Zamolxis boasted to the Getes of his intimate communications with the goddess Vesta: the pretensions of Numa among the Romans are well known. (See Goguet, Origin of Laws, part II. book I. ch. i. art. 9.) The Druids, among the ancient Britons and Gauls, were at once the legislators, and the confidants of the Divinity. Odin, who was himself a Divinity, and his descendants, who partook of his nature, were

No where among mankind have the laws and ordinances been more exclusively referred to the Divinity, than by those who instituted the theocracy of Hindustan. The plan of society and government, the rights of persons and things, even the customs, arrangements, and manners of private and domestic life; every thing, in short, is established by divine prescription. The first legislator of the Hindus, whose name it is impossible to trace, appears to have represented himself as the republisher of the will of God. He informed his countrymen that, at the beginning of the world, the Creator revealed his duties to man, in four sacred books, entitled Vedas; that during the first age, of immense duration, mankind obeyed them, and were happy; that during the second and third they only partially obeyed, and their happiness was proportionally diminished; that since the commencement of the fourth age disobedience and misery had totally prevailed, till the Vedas were forgotten and lost;[1] that now, however, he was commissioned to reveal them anew to his countrymen, and to claim their obedience.

The leading institutions of the Hindus bear evidence that they were devised at a very remote period, when society yet retained its rudest and simplest form. So long as men roam in the pastoral state, no division of classes or of labour is known. Every individual is a shepherd, and every family provides for itself the commodities with which it is supplied. As soon as the

the legislators of the Scandinavians. "The legislators of the Scythians," says Mallet (Introd. to Hist. of Denmark, ii. 43,) "represented God himself as the author of the laws which they gave to their fellow-citizens."

[1] This is a necessary supposition, as the generation to whom the Vedas were first presented must have known that they had no previous acquaintance with them, and could not believe that they had remained familiar to mortals from the period of their first revelation.

BOOK II. CHAP. 2.

cultivation of land, which yields a more secure and plentiful subsistence, occupies a great share of the common attention, the inconvenience of this universal mixture of employments is speedily felt. The labours of the field are neglected, while the cultivator is engaged at the loom, or repelling the incursions of an enemy. His clothing and lodging are inadequately provided for, while the attention of himself and his family are engrossed by the plough. Men quit not easily, however, the practices to which they have been accustomed; and a great change in their manners and affairs does not readily suggest itself as a remedy for the evils which they endure. When the Hindus were lingering in this uneasy situation, it would appear that there arose among them one of those superior men, who are capable of accelerating the improvement of society. Perceiving the advantage which would accrue to his countrymen from a division of employments, he conceived the design of overcoming at once the obstacles by which this regulation was retarded; and clothing himself with a Divine character, established as a positive law, under the sanction of Heaven, the classification of the people, and the distribution of occupations. Nor was it enough to introduce this vast improvement; it was right to secure that the original members of the different classes should be supplied with successors, and that the community should not revert to its former confusion. The human race are not destined to make many steps in improvement at once. Ignorant that professions, when once separated, were in no danger of being confounded, he established a law, which the circumstances of the time very naturally suggested, but which erected a barrier against further progress; that the children of those who were assigned to each

of the classes, into which he distributed the people, should invariably follow the occupation of their father through all generations.

The classification instituted by the author of the Hindu laws is the first and simplest form of the division of labour and employments. The priest is a character found among the rudest tribes; by whom he is always regarded as of the highest importance. As soon as men begin to have property, and to cultivate the ground, the necessity of defenders is powerfully felt; a class, therefore, of soldiers, as well as a class of husbandmen, becomes an obvious arrangement. There are other services, auxiliary to these, and necessary to the well-being of man, for which it still remains necessary to provide. In a state of great simplicity, however, these other services are few, and easily performed. We find accordingly that the Hindu legislator assigned but one class of the community to this department. The Hindus were thus divided into four orders or castes. The first were the Brahmens or priests; the second, the Cshatriyas or soldiers; the third, the husbandmen or Vaisyas; and the fourth, the Sudras, the servants and labourers.[1]

[1] There is an instructive passage in Plato (De Repub. lib. ii.) in which he ascribes the origin of political association and laws, to the division of labour; Γιγνεται πολις, ως εγ'ῶμαι, επειδαν τυγχανει ἡμων ἑκαστος ουκ αυταρκης, αλλα πολλων ενδεης. From this cause, he says, men are obliged to associate, one man affording one accommodation, another another, and all exchanging the accommodations which each can provide, for the different accommodations provided by the rest. It is curious that, in limiting the simplest form of a political association, he makes it to consist of four or five classes of men. Αλλα μεν πρωτη γε και μεγιστη των χρειων, ἡ της τροφῆς παρασκευη, δευτερα δε οικησεως, τριτη εσθητος και των τοιουτων. * * * Ειη δ'αν ἡ γε αναγκαιοτατη πολις εκ τεταρων η πεντε ανδρων.—That sagacious contemplator of the progress of society, Millar, describing the ancient state of the Anglosaxons, remarks, that the people of England were then divided into four great classes, the artificers and tradesmen, husbandmen, those who exercised the honourable profession of arms, and the clergy. He adds, "From the natural course of things it should seem that, in every

BOOK II. CHAP. 2.

On this division of the people, and the privileges or disadvantages annexed to the several castes, the whole frame of Hindu society so much depends, that it is an object of primary importance, and merits a full elucidation.

country where religion has had so much influence as to introduce a great body of ecclesiastics, the people, upon the first advance made in agriculture and in manufactures, are usually distributed into the same number of classes or orders. This distribution is accordingly to be found not only in all the European nations, formed upon the ruins of the Roman empire; but in other ages, and in very distant parts of the globe. The ancient inhabitants of Egypt are said to have been divided into the clergy, the military people, the husbandmen, aud the artificers. The establishment of the four great *castes*, in the country of Indostan, is precisely of the same nature." (Millar's Historical View of the English Government, book I. ch. xi.) In Egypt the people were divided by law in the same hereditary manner as in Hindostan. It is highly worthy of observation that, notwithstanding all the revolutions and changes to which Egypt has been subject, some remains of the division into castes are yet visible. "La distinction par familles se retrouve encore dans les villes; l'exercice des arts et metiers est hereditaire, le fils imite les procedés de son pere, et ne les perfectionne pas." (Le General Reynier, De l'Egypte, p. 59.) It is worthy of observation that the Colchians and Iberians were also divided into four castes, whose rank and office were hereditary and unchangeable. (Herodot. lib. ii. cap. civ. cv. Strabo, lib. ii. 765. See also Bryant's Ancient Mythology, v. 102, 107.) In some situations this step in civilization, natural and simple as it may appear, is not easily made. How long have the wandering Arabs remained without it? What an improvement would the bare institution of the Hindu classes be upon their condition? and what merit would the legislature have, who should introduce it? The same observation is applicable to the Tartars.

There is a passage in Herodotus which leads us to conclude, that the distinction of castes existed among the Medes, at the commencement of the monarchy. He says (lib. i. cap. ci.) Εϛι Μηδων τοσαδε γενεα, Βουσαι, Παρητακηνοι, Στρουχατες; Αριζαντοι, Βουδιοι, Μαγοι. He says nothing to fix the meaning of the word γενεα. But we know that the Μαγοι were the priests, and hence there is matter of proof to make us suppose, that the other names, in like manner, express separate castes, or hereditary classes and professions.

The Persian Monarch Jemsheed is said to have divided the Persians into four classes. Malcolm's Hist. of Persia, i. 205.

In like manner among the Peruvians, "Les citoyens," to use the language of Carli (Lettres sur l'Amerique, let. xiii.) "furent distribués en classes ou tribus. * * Il n'etoit pas permis, ni par mariage, ni par changement d'habitation, de confondre une classe avec l'autre." In

I. The priesthood is generally found to usurp the greatest authority, in the lowest state of society. Knowledge, and refined conceptions of the Divine nature, are altogether incompatible with the supposition, that the Deity makes favourites of a particular class of mankind, or is more pleased with those who perform a ceremonial service to himself, than with those who discharge with fidelity the various and difficult duties of life. It is only in rude and ignorant times that men are so overwhelmed with the power of superstition as to pay unbounded veneration and obedience to those who artfully clothe themselves with the terrors of religion.[1] The Brahmens among the Hindus have acquired and maintained an authority, more exalted, more commanding, and extensive, than the priests have been able to engross among any other portion of mankind. As great a distance as there is between the Brahmen and the Divinity, so great a distance is there between the Brahmen and the rest of his species. According to the sacred books of the Hindus, the Brahmen proceeded from the mouth of

Let. xiv. it is added, "L'education consistoit à apprendre aux enfans rôturiers le metier que chaque père de famille exercoit," &c. Clavigero, too, respecting the Mexicans, tells us, (Hist. of Mexico, book vii. sect. v.) "The sons in general learned the trades of their fathers, and embraced their professions, &c.

In Plato's Timæus, (p. 1044, Ed. Ficin. Francof. 1602,) is a curious passage, which asserts that the same division of professions, which still existed among the Egyptians, existed, at a period long antecedent, among the Athenians: Πρωτὸν μεν το των ἱερεων γενος, απο των αλλων χωρις αφωρισμενον· μετα δε τυτο, το των δημιυργων, ὁτι καθ᾽ ἁυτο εκαστον αλλῳ δε υκ επιμιγνυμενον δημιυργει· το τε τῶν νομεων και των θηρευτων· το τε των γεωργων· και δη το μαχιμον γενος, απο παντων των γενων κεχωρισμενον, ὁις υδεν αλλο πλην τα περι τον πολεμον ὑπο τυ νομυ προσεταχθη μελειν.

[1] It was in the dark ages that the Romish priesthood usurped so many privileges. Our ancestors were barbarous when the Druids exercised over them an unlimited authority. The soothsayers and priests among the Greeks and Romans lost their influence as knowledge increased. Among the rude inhabitants of Mexico and Peru, the authority of the priest equalled or superseded that of the king, and was united in the same person.

the Creator, which is the seat of wisdom; the Cshatrya proceeded from his arm; the Vaisya from his thigh, and the Sudra from his foot; therefore is the Brahmen infinitely superior in worth and dignity to all other human beings.[1] The Brahmen is declared to be the Lord of all the classes.[2] He alone, to a great degree, engrosses the regard and favour of the Deity; and it is through him, and at his intercession, that blessings are bestowed upon the rest of mankind. The sacred books are exclusively his; the highest of the other classes are barely tolerated to read the word of God; he alone is worthy to expound it. The first among the duties of the civil magistrate, supreme or subordinate, is to honour the Brahmens.[3] The slightest disrespect to one of this sacred order is the most atrocious of crimes. "For contumelious language to a Brahmen," says the law of Menu,[4] "a Sudra must have an iron style, ten fingers long, thrust red hot into his mouth; and for offering to give instruction to priests, hot oil must be poured into his mouth and ears." "If," says Halhed's code of Gentoo laws,[5] "a Sooder sits upon the carpet of a Brahmen, in that case the magistrate, having thrust a hot iron into his buttock, and branded him, shall banish him the kingdom; or else he shall cut off his buttock." The following precept refers even to the most exalted classes: "For striking a Brahmen even with a blade of grass, or overpowering him in argument, the offender must soothe him by falling prostrate."[6] Mysterious and awful powers are ascribed to this wonderful being. "A priest, who well knows

[1] Laws of Menu, ch. i. [2] Ib. x. [3] Ib. vii.

[4] Ib. viii. 271, 2. "From his high birth alone, a Brahmen is an object of veneration even to deities; his declarations to mankind are decisive evidence; and the Veda itself confers on him that character." Ib. xi. 85.

[5] Ib. x. 1. [6] Ib. x. 206.

the law, needs not complain to the king of any grievous injury; since, even by his own power, he may chastise those who injure him: His own power is mightier than the royal power; by his own might therefore may a Brahmen coerce his foes. He may use without hesitation the powerful charms revealed to Atharvan and Angiras; for speech is the weapon of a Brahmen: with that he may destroy his oppressors."[1] "Let not the king, although in the greatest distress, provoke Brahmens to anger; for they, once enraged, could immediately destroy him with his troops, elephants, horses, and cars. Who without perishing could provoke those holy men, by whom the all-devouring flame was created, the sea with waters not drinkable, and the moon with its wane and increase? What prince could gain wealth by oppressing those, who, if angry, could frame other words and regents of worlds, could give being to other gods and mortals? What man, desirous of life, would injure those, by the aid of whom worlds and gods perpetually subsist; those who are rich in the knowledge of the Veda? A Brahmen, whether learned or ignorant, is a powerful Divinity; even as fire is a powerful Divinity, whether consecrated or popular. Thus, though Brahmens employ themselves in all sorts of mean occupations, they must invariably be honoured; for they are something transcendently divine."[2] Not only is this extraordinary respect and pre-eminence awarded to the Brahmens; they are allowed the most striking advantages over all other members of the social body, in almost every thing which regards the social state. In the scale of punishments for crimes, the penalty of the Brahmen, in almost all cases, is infinitely milder than that of

[1] Laws of Menu, ch. xi. 31, 32, 33. [2] Ib. ix. 313—319.

BOOK II. CHAP. 2.

the inferior castes. Although punishment is remarkably cruel and sanguinary for the other classes of the Hindus, neither the life nor even the property of a Brahmen can be brought into danger by the most atrocious offences. "Neither shall the king," says one of the ordinances of *Menu*,[1] "slay a Brahmen, though convicted of all possible crimes: Let him banish the offender from his realm, but with all his property secure, and his body unhurt." In regulating the interest of money, the rate which may be taken from the Brahmens is less than what may be exacted from the other classes.[2] This privileged order enjoy the advantage of being entirely exempt from taxes: "A king, even though dying with want, must not receive any tax from a Brahmen learned in the Vedas."[3] Their influence over the government is only bounded by their desires, since they have impressed the belief that all laws which a Hindu is bound to respect are contained in the sacred books; that it is lawful for them alone to interpret these books; that it is incumbent on the king to employ them as his chief counsellors and ministers, and to be governed by their advice. "Whatever order," says the code of Hindu laws,[4] "the Brahmens shall issue conformably to the Shaster, the magistrate shall take his measures accordingly."[5] These prerogatives and privileges, important and extraordinary as they may seem, afford, however, but an imperfect

[1] Laws of Menu, ch. viii. 380. [2] Ib. viii. [3] Ib. vii. 133.

[4] Halhed, Preface to the Code of Gentoo Laws.

[5] The Druids among the ancient Britons, as there was a striking similarity in many of the doctrines which they taught, so possessed many similar privileges and distinctions to those of the Brahmens. Their persons were inviolable; they were exempt from taxes and military service; they exercised the legislative, judicative, and, with the exception of commanding armies in the field, almost the whole of the executive powers of government. Cæsar, De Bell. Gal. lib. vi. 13, 14. Henry's Hist. of Great Britain, i. 302, 317.

idea of the influence of the Brahmens in the intercourse of Hindu Society. As the greater part of life among the Hindus is engrossed by the performance of an infinite and burdensome ritual, which extends to almost every hour of the day, and every function of nature and society, the Brahmens, who are the sole judges and directors in these complicated and endless duties, are rendered the uncontrolable masters of human life. Thus elevated in power and privileges, the ceremonial of society is no less remarkably in their favour. They are so much superior to the king, that the meanest Brahmen would account himself polluted by eating with him, and death itself would appear to him less dreadful than the degradation of permitting his daughter to unite herself in marriage with his sovereign. With these advantages it would be extraordinary had the Brahmens neglected themselves in so important a circumstance as the command of property. It is an essential part of the religion of the Hindus, to confer gifts upon the Brahmens. This is a precept more frequently repeated than any other in the sacred books. Gifts to the Brahmens form always an important and essential part of expiation and sacrifice.[1] When

[1] See the Laws of Menu, passim. "The organs of sense and action, reputation, a heavenly mansion, life, a great name, children, cattle, are all destroyed by a sacrifice offered with trifling presents: let no man therefore sacrifice without liberal gifts." Ib. xi. 40. "Let every man, according to his ability, give wealth to Brahmens detached from the world and learned in scripture; such a giver shall attain heaven after this life." Ib. xi. 6. "Having reckoned up the persons whom the Brahmen is obliged to support, having ascertained his Divine knowledge and moral conduct, let the king allow him a suitable maintenance from his own household; and, having appointed him a maintenance, let the king protect him on all sides, for he gains from the Brahmen whom he protects a sixth part of his virtue." Ib. xi. 22, 23. "Of that king in whose dominions a learned Brahmen is afflicted with hunger, the whole kingdom will in a short time be afflicted with famine." Ib. vii. 114.

BOOK II. CHAP. 2.

treasure is found, which, from the general practice of concealment, and the state of society, must have been a frequent event, the Brahmen may retain whatever his good fortune places in his hands; another

The Brahmens are occasionally exhorted to observe some decorum and measure in their pursuit of gifts. Laws of Menu, iv. 186. "Should the king be near his end through some incurable disease, he must bestow on the priests all his riches accumulated from legal fines; and, having duly committed his kingdom to his son, let him seek death in battle; or, if there be no war, by abstaining from food."

"The influence of priestcraft over superstition is no where so visible as in India. All the commerces of life have a strict analogy with the ceremonies of religion; and the Brachman has inculcated such a variety of strange persuasions, that the Gentoo finds himself every hour under the necessity of consulting his spiritual guide. The building of a pagoda, and maintaining within it a set of priests, is believed the best action which human virtue is capable of. Every offence is capable of being expiated by largesses to the Brachmans, prescribed by themselves according to their own measures of avarice and sensuality." Orme, On the Government and People of Indostan, 432.

"Since the Brahmen sprang from the most excellent part, since he was the first born, and since he possesses the Veda, he is by right the chief of this whole creation.

"Him, the Being, who exists of himself, produced in the beginning from his own mouth, that having performed holy rites, he might present clarified butter to the Gods, and cakes of rice to the progenitors of mankind, for the preservation of this world:

"What created being then can surpass him, with whose mouth the Gods of the firmament continually feast on clarified butter, and the manes of ancestors, on hallowed cakes?

"Of created things, the most excellent are those which are animated; of the animated, those which subsist by intelligence; of the intelligent, mankind; and of men, the sacerdotal class;

"Of priests, those eminent in learning: of the learned, those who know their duty; of those who know it, such as perform it virtuously; and of the virtuous, those who seek beatitude from a perfect acquaintance with scriptural doctrine.

"The very birth of Brahmens is a constant incarnation of Dherma, God of Justice; for the Brahmen is born to promote justice, and to procure ultimate happiness.

"When a Brahmen springs to light, he is born above the world, the chief of all creatures, assigned to guard the treasury of duties, religious and civil.

"Whatever exists in the universe is all in effect, though not in form, the wealth of the Brahmen; since the Brahmen is entitled to it all by his primogeniture and eminence of birth." Laws of Menu, i. 93—100.

man must surrender it to the king, who is bound to deliver one half to the Brahmens.[1] Another source of revenue at first view appears but ill assorted with the dignity and high rank of the Brahmens; by their influence it was converted into a fund, not only respectable but venerable, not merely useful but opulent. The noviciates to the sacerdotal office are commanded to find their subsistence by begging, and even to carry part of their earnings to their spiritual master.[2] Begging is no inconsiderable source of priestly power.

The duties of the Brahmens may be summed up in a few words. They are, to read the Vedas; to teach them to the young Brahmens; and to perform sacrifices and other religious acts.[3]

II. Among the castes of the Hindus, the next in dignity and rank to the priestly tribe, is that of the Cshatriyas, or the military class. In the rude and early state of society, as man has provided few securities against the evils with which he is assailed, and his wisdom has enabled him to draw few general rules respecting the order of their recurrence, he lives in a perpetual expectation of unhappy events, as well from nature, as from his fellow men; and fear is the passion which chiefly usurps the government

[1] Laws of Menu, ch. viii. The law is laid down somewhat differently in Halhed's Code: when a man finds any thing belonging to another, the magistrate is to be informed, and if the finder is a Brahmen, he keeps the whole; from others a part goes to the magistrate; and from a Sooder all but two twelfths. Halhed's Gentoo Laws, ch. 21, sect. 2.

[2] Laws of Menu, ch. ii. The mendicity of the priests seems to have been a general instrument of priestly imposture. It was so among the Romans; and no unproductive one. See Apuleius, Metam. l. viii. p. 262. Cicero, in his Book of Laws, proposes to restrain the begging trade of the priests.—Stipem sustulimus, nisi eam quam ad paucos dies propriam Idæ Martis excepimus: Implet enim superstitione animos, exhaurit domos. Cic. de Legib. l. ii. 9, 16. The Popish mendicants are a notorious instance. See Middleton's Letter from Rome, in Works of Dr. Conyers Middleton, iii. 116.

[3] See the Laws of Menu, passim.

BOOK II. CHAP. 2.

of his mind. The priest soothes his imagination, in regard to the first and most awful source of his apprehensions, by undertaking to procure for him the favour of the mysterious powers of nature. The soldier, from whom he expects protection against the ravages of hostile men, is the second object of his veneration and gratitude; and in the history of society, it will be generally found, that the rank and influence of the military order are high, in proportion as the civilization of the people is low.[1] To all but the Brahmens, the caste of Cshatriyas are an object of unbounded respect. They are as much elevated above the classes below them, as the Brahmens stand exalted above the rest of human kind. Nor is superiority of rank among the Hindus an unavailing ceremony. The most important advantages are attached to it. The distance between the different orders of men is immense and degrading. If a man of a superior class accuses a man of an inferior class, and his accusation proves to be unjust, he escapes not with impunity; but if a man of an inferior class accuses a man of a superior class, and fails in proving his accusation, a double punishment is allotted him.[2] For all assaults, the penalty rises in proportion

[1] To this observation I know not that any exception can be adduced, which is not resolvable into the influence of a government purely or chiefly military. This, however, is the effect of art, or of forced circumstances, not of nature, or of reason. It is Mandeville, I think, who remarks, that fear is the origin of the admiration which has been generally bestowed upon the profession of arms; and in confirmation of this observes, that it is the most timid sex by whom the military character is the most admired. Mr. Hume has remarked, that it is the most timid sex, also, who are the most devoted to superstition, and the priests.

[2] Halhed's Code, ch. xv. sect. 2. "If a man of an inferior caste," says the Gentoo code, "proudly affecting an equality with a person of superior caste, should speak at the same time with him, the magistrate in that case shall punish him to the extent of his abilities."—Ib.

as the party offending is low, the party complaining high, in the order of the castes. It is, indeed, a general and a remarkable part of the jurisprudence of this singular people, that all crimes are more severely punished in the subordinate classes; the penalty ascending, by gradation, from the gentle correction of the venerable Brahmen, to the harsh and sanguinary chastisement of the degraded Sudra.[1] Even in such an affair as the interest of money on loan, where the Brahmen pays two per cent., three per cent. is exacted from the Cshatriya, four per cent. from the Vaisya, and five per cent. from the Sudra. The sovereign dignity, which usually follows the power of the sword, was originally appropriated to the military class, though in this particular it would appear that irregularity was pretty early introduced. To bear arms is the peculiar duty of the Cshatriya caste, and their maintenance is derived from the provision made by the sovereign for his soldiers.

III. The Vaisyas are the third caste of the Hindus. Their duties are to tend cattle, to carry on merchandize, and to cultivate the ground. They are superior only to the Sudras, who owe to them, however, the same awful respect and submission, which it is incumbent on them to pay to the military class.

IV. As much as the Brahmen is an object of intense veneration, so much is the Sudra an object of contempt, and even of abhorrence, to the other classes of his countrymen. The business of the Sudras is servile labour, and their degradation inhuman. Not only is the most abject and grovelling

[1] See the Laws of Menu, and Halhed's Gentoo Code, passim. The case of theft is an exception for this, the higher classes being punished the most severely.

submission imposed upon them as a religious duty, but they are driven from their just and equal share in all the advantages of the social institution. The crimes which they commit against others are more severely punished, than those of any other delinquents, while the crimes which others commit against them are more gently punished than those against any other sufferers.[1] Even their persons and labour are not free. "A man of the servile caste, whether bought or unbought, a Brahmen may compel to perform servile duty; because such a man was created by the Self-existent for the purpose of serving Brahmens."[2] The law scarcely permits them to own property; for it is declared that "no collection of wealth must be made by a Sudra, even though he has power, since a servile man, who has amassed riches, gives pain even to Brahmens"[3] A Brahmen may seize without hesitation the goods of his Sudra slave; for as that slave can have no property, his master may take his goods."[4] Any failure in the respect exacted of the Sudra towards the superior classes is avenged by the most dreadful punishments. Adultery with a woman of a higher caste is expiated by burning to death on a bed of iron. The degration of the wretched Sudra extends not only to every thing in this life, but even to sacred instruction and his chance of favour with the superior powers. A Brahmen must never read the Veda in the presence of Sudras.[5] "Let not a Brahmen," says the law of Menu, "give advice to a Sudra; nor what remains from his table; nor clarified butter, of which part has been offered; nor let him give spiritual counsel

[1] See the Laws of Menu, and Halhed's Gentoo Code, passim.

[2] Laws of Menu, ch. viii. 413.

[3] Ib. x. 129.

[4] Ib. viii. 417. If he be distressed for subsistence, says the gloss of Culluca.

[5] Ib.

to such a man, nor inform him of the legal expiation for his sin: surely he who declares the law to a servile man, and he who instructs him in the mode of expiating sin, sinks with that very man into the hell named Asamvrita."[1]

Although the adherence of each class to the particular employment assigned to it was secured by the most rigid laws, and the severest penalties, there were extraordinary cases in which a limited departure was permitted. When a Brahmen cannot obtain sub-

[1] Laws of Menu, ch. viii. 80, 81. "If," says the Gentoo code, "a man of the Sooder reads the beids of the Shaster, or the Pooran, to a Brahmen, a Chehter, or a Bin, then the magistrate shall heat some bitter oil, and pour it into the aforesaid Sooder's mouth; and if a Sooder listens to the beids of the Shaster, then the oil, heated as before, shall be poured into his ears, and arzeez and wax shall be melted together, and the orifice of his ears shall be stopped up therewith. If a Sooder gets by heart the beids of the Shaster, the magistrate shall put him to death. If a Sooder always performs worship and the jugg, the magistrate shall put him to death. If a Sooder gives much and frequent molestation to a Brahmen, the magistrate shall put him to death." (Halhed's Code of Gentoo Laws, ch. xxi. sect. 7.) It is among the most barbarous tribes, that we in general find the principle of subordination abused to the greatest excess. Perhaps no instance is equal to that which exhibits itself among the Hindus. "Among the Natchez," (says Robertson, Hist. Americ. ii. 139,) a powerful tribe now extinct, on the banks of the Mississippi, a difference of rank took place, with which the northern tribes were altogether unacquainted. Some families were reputed noble, and enjoyed hereditary dignity. The body of the people was considered as vile, and formed only for subjection. This distinction was marked by appellations which intimated the high elevation of the one state, and the ignominious depression of the other: the former were called *Respectable*; the latter, the *Stinkards*."—"To be a servant," (says Millar, Distinction of Ranks, ch. v. sect. 1.) "in these primitive times, was almost universally the same thing as to be a slave. The master assumed an unlimited jurisdiction over his servants, and the privilege of selling them at pleasure. He gave them no wages beside their maintenance; and he allowed them to have no property, but claimed to his own use whatever, by their labour, or by any other means, they happened to acquire.—Thus the practice of domestic slavery appears to have been early established among the nations of antiquity; among the Egyptians, the Phœnicians, the Jews, the Babylonians, the Persians, the Greeks, and the Romans.—The same practice obtains at present among all those tribes of barbarians, in different parts of the world, with which we have any correspondence."

BOOK II. CHAP. 2.

sistence by the proper business of his order, he may apply himself to that of the Cshratiya or the Vaisya, but must never become so far degraded as to engage in that of the Sudra. The Cshratiya and Vaisya, in like necessitous circumstances, may have recourse respectively to the business of the class or classes below them, even that of the Sudra, but are strictly interdicted from profaning the employment of any class above them. The Sudra having, originally, no inferior class, was probably abandoned to his necessities, though afterwards, in the employments of the mixed classes, a resource was opened also for him.[1] In this arrangement, as usually happens in the laws of the Hindus, the advantages are all on the side of the superior orders. The Brahmen has open to him, if need be, the occupations of all the respectable classes; he can overload them with additional numbers in the season of distress, a season at which it is natural for them to be overloaded without him, while his own occupation is exempt from the encroachment or competition of any other description of men. The Cshatriya, while he has the occupations open to him of two of the castes, is liable to the interference of one of them only. The Vaisya, on the other hand, can have recourse to none but the lowest of employments, that of the Sudra, while he is liable to be straitened in his own occupation by the interference and competition of both the orders above him. The unfortunate Sudra, who has no resource, may be driven from his employment, and his means of subsistence, mediately or immediately, by all the other classes of the community.

This distribution of the whole people into four classes only, and the appropriation of them to four

[1] Laws of Menu, ch. x. passim. Mr. Colebrooke on the Indian Classes, Asiat. Researches, v. 63.

species of employment; an arrangement which, in the very simple state of society in which it must have been introduced, was a great step in improvement, must have become productive of innumerable inconveniences, as the wants of society multiplied. The bare necessaries of life, with a small number of its rudest accommodations, are all it prepares, to meet the desires of man. As those desires, speedily extend beyond such narrow limits, a struggle must have early ensued between the first principle of human nature and those of the political establishment. The different castes were strictly commanded to marry with those only of their own class and profession; and the mixture of the classes from the union of the sexes was guarded against by the severest laws. This was an occurrence, however, which laws could not prevent. Irregularities took place; children were born, who belonged to no caste, and for whom there was no occupation. No event could befal society more calamitous than this. Unholy and infamous, on account of that violation of the sacred law to which they owed their unwelcome birth, those wretched outcasts had no resource for subsistence, excepting either the bounty of the established classes, to whom they were objects of execration and abhorrence; or the plunder of those same classes, a course to which they would betake themselves with all the ingenuity of necessitous, and all the atrocity of much injured, men. When a class of this description became numerous, they must have filled society with the greatest disorders. In the preface of that compilation of the Hindu Laws, which was translated by Mr. Halhed,[1] it is stated that, after a succession of good kings, who secured obedience to the laws,

[1] Vide Halhed's Code of Gentoo Laws, preface.

BOOK II. CHAP. 2.

and under whom the people enjoyed felicity, came a monarch evil and corrupt, under whom the laws were violated, the mixture of the classes was perpetrated, and a new and impious race were produced. The Brahmens put this wicked king to death, and by an effort of miraculous power created a successor endowed with the most excellent qualities. But the kingdom did not prosper, by reason of the Burren Sunker, so were this impure brood denominated; and it required the wisdom of this virtuous king to devise a remedy. He resolved upon a classification of the mixed race, and to assign them occupations. This, accordingly, was the commencement of arts and manufactures. The Burren Sunker became all manner of artisans and handicrafts; one tribe of them weavers of cloth, another artificers in iron, and so in other cases, till the subdivisions of the class were exhausted, or the exigencies of the community supplied. Thus were remedied two evils at once: The increasing wants of an improving society were provided for; and a class of men, the pest of the community, were converted to its service. This is another important era in the history of Hindu society; and having reached this stage, it does not appear that it has made, or that it is capable of making, much further progress. Thirty-six branches of the impure class are specified in the sacred books,[1] of whom and of their employments it would be tedious and useless to present the description. The highest is that sprung from the conjunction of a Brahmen with a woman of the Cshatriya class,

[1] Colebrooke on the Indian Classes, Asiat. Research. v. 53. On this subject, however, that intelligent author tells us, that Sanscrit authorities in some instances disagree. Classes mentioned by one are omitted by another; and texts differ on the professions assigned to some tribes. It is a subject, he adds, in which there is some intricacy.

whose duty is the teaching of military exercises. The lowest of all is the offspring of a Sudra with a woman of the sacred class. This tribe are denominated Chandalas, and are regarded with great abhorrence. Their profession is to carry out corpses, to execute criminals, and perform other offices, reckoned to the last degree unclean and degrading. If, by the laws of Hindustan, the Sudras are placed in a low and vile situation, the impure and mixed classes are placed in one still more odious and degrading. Nothing can equal the contempt and insolence to which it is the lot of the lowest among them to see themselves exposed. They are condemned to live in a sequestered spot by themselves, that they may not pollute the very town in which they reside. If they meet a man of the higher castes, they must turn out of the way, lest he should be contaminated by their presence.[1]

1 "Avoid," says the Tantra, "the touch of the Chandala, and other abject classes. Whoever associates with them undoubtedly falls from his class; whoever bathes or drinks in wells or pools which they have caused to be made, must be purified by the five productions of kine." Colebrooke on the Indian Classes, Asiat. Research. v. 53. From this outline of the classification and distribution of the people, as extracted from the books of the Hindus, some of the most intelligent of our British observers appeal to the present practice of the people, which they affirm is much more conformable to the laws of human welfare, than the institutions described in the ancient books. Of this, the author is aware: so inconsistent with the laws of human welfare are the institutions described in the Hindu ancient books, that they never *could* have been observed with any accuracy; it is, at the same time, very evident, that the institutions described in the ancient books are the model upon which the present frame of Hindu society has been formed; and when we consider the powerful causes which have operated so long to draw, or rather to force, the Hindus from their inconvenient institutions and customs, the only source of wonder is, that the state of society which they now exhibit should hold so great a resemblance to that which is depicted in their books. The President de Goguet is of opinion, that a division of the people into tribes and hereditary professions similar to that of the Hindus existed in the ancient Assyrian empire, and that it prevailed from the highest antiquity over almost all Asia,

(part I. book I. ch. i. art. 3; Herodot. lib. i. cap. 200; Strab. lib. xvi. p. 1082; Diod. lib. ii. p. 142.) Cecrops distributed into four tribes all the inhabitants of Attica. (Pollux, lib. viii. cap. 9. sect. 100; Diodorus Siculus, lib. ii. p 33.) Theseus afterwards made them three, by uniting, as it should seem, the sacerdotal class with that of the nobles, or magistrates. They consisted then of nobles and priests, labourers or husbandmen, and artificers; and there is no doubt that, like the Egyptians and Indians, they were hereditary. (Plutarch. Vit. Thes.) Aristotle expressly informs us, (Polit. lib. vii. cap. 10.) that in Crete the people were divided by the laws of Minos into classes after the manner of the Egyptians. We have most remarkable proof of a division, the same as that of the Hindus, anciently established among the Persians. In the Zendavesta, translated by Anquetil Duperron, is the following passage: "Ormusd said, There are three measures [literally weights, that is, tests, rules] of conduct, four states, and five places of dignity. —The states are: that of the priest; that of the soldier; that of the husbandman, the source of riches; and that of the artizan or labourer." Zendavesta, i. 141. There are sufficient vestiges to prove an ancient establishment of the same sort among the Buddhists of Ceylon, and by consequence to infer it among the other Buddhists over so large a portion of Asia. See a Discourse of Mr. Joinville on the Religion and Manners of the people of Ceylon, Asiat. Research. vii. 430, et seq.

CHAP. III.

The Form of Government.

AFTER the division of the people into ranks and occupations, the great circumstance by which their condition, character, and operations are determined, is the political establishment; the system of actions by which the social order is preserved. Among the Hindus, according to the Asiatic model, the government was monarchical, and, with the usual exception of religion and its ministers, absolute. No idea of any system of rule, different from the will of a single person, appears to have entered the minds of them, or their legislators. "If the world had no king," says the Hindu law,[1] "it would quake on all sides through fear; the ruler of this universe, therefore, created a king, for the maintenance of this system." Of the high and uncontrolable authority of the monarch a judgment may be formed, from the lofty terms in which the sacred books describe his dignity and attributes. "A king," says the law of Menu,[2] "is formed of particles from the chief guardian deities, and consequently surpasses all mortals in glory. Like the sun, he burns eyes and hearts; nor can any human creature on earth even gaze on him. He, fire and air; He, the god of criminal justice; He, the genius of wealth; He, the regent of waters; He, the lord of the firmament. A king, even though a child, must

[1] Laws of Menu, ch. vii. 3

[2] Ib. ch. vii.

BOOK II. CHAP. 3.

not be treated lightly, from an idea that he is a mere mortal: No; he is a powerful divinity, who appears in human shape. In his anger, death. He who shows hatred of the king, through delusion of mind, will certainly perish; for speedily will the king apply his heart to that man's destruction." The pride of imperial greatness could not devise, hardly could it even desire, more extraordinary distinctions, or the sanction of a more unlimited authority.

The plan, according to which the power of the sovereign was exercised in the government of the country, resembled that which has almost universally prevailed in the monarchies of Asia, and was a contrivance extremely simple and rude. In the more skilful governments of Europe, officers are appointed for the discharge of particular duties in the different provinces of the empire; some for the decision of causes, some for the control of violence, some for collecting the contingents of the subjects, for the expense of the state; while the powers of all center immediately in the head of the government, and all together act as connected and subordinate wheels in one complicated and artful machine. Among the less instructed and less civilized inhabitants of Asia, no other plan has ever occurred to the monarch, for the administration of his dominions, than simply to divide his own authority and power into pieces or fragments, as numerous as the provinces into which it was deemed convenient to distribute the empire. To each of the provinces a vicegerent was dispatched, who carried with him the undivided authority and jurisdiction of his master. Whatever powers the sovereign exercised over the whole kingdom, the vicegerent exercised in the province allotted to him; and the same plan which the sovereign adopted for the government of the whole, was exactly followed

by the vicegerent in the government of a part.[1] If the province committed to his sway was too extensive for his personal inspection and control, he subdivided it into parts, and assigned a governor to each, whom he intrusted with the same absolute powers in his district, as he himself possessed in the administration of the greater department. Even this inferior deputy often divided his authority, in the same manner, among the governors, whom he appointed, of the townships or villages under his control. Every one of those rulers, whether the sphere of his command was narrow or extensive, was absolute within it, and possessed the whole power of the sovereign, to levy taxes, to raise and command troops, and to decide upon the lives and property of the subjects. The gradations of command among the Hindus were thus regulated: The lowest of all was the lord of one town and its district; The next was the lord of ten towns; The third was the lord of twenty towns; The fourth was the lord of 100 towns; And the highest vicegerent was lord of 1000 towns. Every lord was amenable to the one immediately above him, and exercised unlimited authority over those below.[2] The

[1] Kœmpfer, in his History of Japan, book i. chap. v. says, "The whole empire is governed in general by the Emperor, with an absolute and monarchical power, and so is every province in particular by the prince, who, under the Emperor, enjoys the government thereof."—For the similarity of the institution in the Ottoman government, see Volney's Travels in Syria and Egypt, ii. 376.

[2] Laws of Menu, ch. vii. 115—117. There is a very remarkable similarity between this mode of subdividing authority among the Hindus, and that adopted by the Incas of Peru. "The Incas," (says Garcilasso de la Vega, part i. book ii. ch. v.) "had one method and rule in their government, as the best means to prevent all mischiefs and disorders; which was this. That of all the people in every place, whether more or less, a register should be kept, and a division made of ten and ten, over which one of the ten, whom they called the Decurion, was made superior over the other nine; then every five divisions of this nature had a lord over them, to whom was committed the charge and

BOOK II. CHAP. 3.

following law appears to provide for their personal expenses: "Such food, drink, wood, and other articles, as by law should be given each day to the king, by the inhabitants of the township, let the lord of one town receive: let the lord of ten towns enjoy the produce of two plough-lands; the lord of twenty, that of five plough-lands; the lord of 100, that of a village or small town; the lord of 1000, that of a large town."[1] The expense of the government of each vicegerent was defrayed out of the taxes which he levied, and the surplus was transmitted to the superior lord, to whom he was immediately responsible. From him it was again conveyed to the governor above him, till it reached, at last, the royal treasury.

If this plan of government was unskilful and rude, so was the contrivance employed for checking the abuses to which it was liable. "The affairs of these townships," says the law, "either jointly or separately transacted, let another minister of the king inspect, who should be well affected, and by no means remiss. In every larger town or city, let him appoint one superintendant of all affairs, elevated in rank, formidable in power, distinguished as a planet among stars: Let that governor, from time

care of fifty; then over two divisions of fifty, another lord, who supervised 100; so five divisions of 100 had a magistrate who commanded 500; the divisions of 100 had a leader over 1000," &c. The highest officer under the Inca was the governor of a province. Each inferior officer accounted for his conduct to the superior next above him. See further Acosta, Nat. and Mor. Hist. of the Indies, book vi. ch. xiii.; Carli, Lettres sur l'Amerique, let. xiii. The analogy of the Anglosaxon institution of tythings, or ten families; of hundreds, or ten tythings; and counties, will suggest itself to every imagination.

[1] Laws of Menu, ch. vii. 118, 119. The first of these provisions, that for the lord of one town, is not accurately ascertained; the two or five plough-lands are sufficiently distinct; but the produce of a village or large town must have been extremely uncertain and ambiguous.

to time, survey all the rest in person, and, by the means of his emissaries, let him perfectly know their conduct in their several districts."[1] Of the practical state of the government abundant proof is afforded. In the passage which immediately follows, "Since the servants of the king," it is said, "whom he has appointed guardians of districts, are generally knaves, who seize what belongs to other men, from such knaves let him defend his people; of such evil-minded servants, as wring wealth from subjects attending them on business, let the King confiscate all the possessions, and banish them from his realm."[2]

At the head of this government stands the king, on whom the great lords of the empire immediately depend. He is directed by the law to choose a Council, consisting "of seven or eight ministers, men whose ancestors were servants of kings, who are versed in the holy books, who are personally brave; who are skilled in the use of weapons, and whose lineage is noble."[3] With them he is commanded perpetually to consult on the affairs of his government; but a singular mode of deliberation is prescribed to him; not to assemble his Council, and, laying before them, as in the cabinets of European princes, the subject on which the suggestions of their wisdom are required, receive the benefit arising from the mutual communication of their knowledge and views; a plan, apparently more artful and cunning, more nearly allied to the suspicious temper and narrow views, of a rude period, is recommended; to consult them apart, and hear the opinion of each

[1] Laws of Menu, ch. vii. 120—122. A similar officer formed a similar part of the Peruvian establishment. He was denominated *Cucuy Kioc*, which is to say, "Eye of all." Carli, Lettres sur l'Amerique, let. xiii.

[2] Menu, ut supra, 123, 124. [3] Ibid. 54.

BOOK II. CHAP. 3. separately; after which, having consulted them in common, when each man is swayed by the opinion he had formerly given in private, and has a motive of interest and vanity to resist the light which might be thrown upon the subject by others, the king himself is to decide.[1] A Brahmen ought always to be his prime minister. "To one learned Brahmen, distinguished among the rest, let the king impart his momentous counsel."[2]

To provide for the defence of the country was one great branch of the duties of the sovereign, and to preside over the military force was his great prerogative and distinction. As in the original division of the people, a fourth part of them were appropriated to the profession of arms, and destined from that alone to obtain their subsistence, the great difficulty of government must have consisted, not in obtaining troops, but in finding for them maintenance and employment. When so great a proportion of the population were set apart for the business of war, with nothing to do, from year to year, and from generation to generation, but to improve its principles, and acquire the utmost dexterity in its exercises, it appears extraordinary that the nation was not of a formidable and warlike character. Yet has India given way to every invader; "and the rudeness," says Mr. Orme,[3] "of the military art in Indostan

[1] Laws of Menu, ch. vii. 56. Another precept to the king, respecting the mode of consulting with his ministers, is very expressive of the simplicity of the times; "Ascending up the back of a mountain, or going privately to a terrace, a bower, a forest, or a lonely place, without listeners, let him consult with them unobserved." Ib. 147.

[2] Ib. 58.

[3] Orme on the Government and People of Indostan, p. 417. The same accurate and intelligent observer immediately adds; "The infantry consists in a multitude of people assembled together without regard to rank and file," &c.

can scarce be imagined but by those who have seen it." The precepts in the ancient and sacred books of the Hindus, which lay the foundation of their military system, are few in number, simple, and rude. For the security of the royal residence, the king is directed to take up his abode[1] "in a capital, having, by way of fortress, a desert rather more than twenty miles round it, or a fortress of earth, a fortress of water or of trees, a fortress of armed men, or a fortress of mountains." Their great unskilfulness in the science of attack and defence led them to place great dependence on fortification, as appears by a variety of their precepts. "One bowman," says Menu,[2] "placed on a wall is a match in war for 100 enemies, and 100 for 10,000; therefore is a fort recommended." Yet their knowledge of fortification was elementary, and mostly consisted in surrounding the place with a mud wall and a ditch, or availing themselves of the natural advantages which insulated rocks, which water, or impervious thickets, could afford. The duty and advantage of maintaining at all times a powerful army are enforced in the most cogent terms. "By a king," says Menu, "whose forces are always ready for action, the whole world may be kept in awe; let him then, by a force always ready, make all creatures living his own."[3] In recommending a perpetual standing army, the preceptive part of the military doctrine of the Hindus seems in a great measure to have been summed up; for the marshalling, the discipline, the conduct of an army, in any of its branches, no instruction is conveyed. General exhortations to firmness and valour are all the additional advice of which the utility appears to have been recognized. The Hindu prince is, by

[1] Laws of Menu, ch. vii. 70. [2] Ib. 74. [3] Ib. 103.

BOOK II. CHAP. 3.

divine authority, informed, that those rulers of the earth, who, "desirous of defeating each other, exert their utmost strength in battle, without ever averting their faces, ascend after death directly to heaven."[1] "Never to recede from combat," says Menu, "to protect the people, and to honour the priests, is the highest duty of kings, and ensures their felicity."[2] Of a great part of the duty which devolved upon the king, as head of the armed force, he appears to have been relieved by a deputy.[3] In times of peace the military people seem to have been distributed over the country, under the command of the governors of provinces and of districts, for local defence, for the preservation of local tranquillity, and for the convenience of subsistence. When a general war demanded the whole force of the nation, the king commanded the governors of provinces to assemble the soldiers under their command, and repair to his standard.[4] From this circumstance it has been rashly concluded, that feudal conditions of military service, in fact a feudal government, highly resembling that which existed in Europe, had place in Hindustan.

After the care of protecting the nation from foreign aggression or from internal tumult, the next duty of the king was the distribution of justice. In the first stage of society, the leader in war is also the judge in peace; and the regal and judicial functions are united in the same person. Various circumstances tend to produce this arrangement. In the first place, there are, then, hardly any laws: and he alone is entitled to judge, who is entitled to legislate,

[1] Laws of Menu, ch. vii. 89. [2] Ib. 88.

[3] "The forces of the realm must be immediately regulated by the commander in chief." Ib. 65.

[4] Ib. 113—120.

since he must make a law for every occasion. In the next place, a rude people, unused to obedience, would hardly respect inferior authority. In the third place, the business of judicature is so badly performed as to interrupt but little the business or pleasures of the king; and a decision is rather an exercise of arbitrary will and power, than the result of an accurate investigation. In the fourth place, the people are so much accustomed to terminate their own disputes, by their own cunning, or force, that the number of applications for judicature is comparatively small. As society advances, a set of circumstances, opposite to these, are gradually introduced: laws are made which the judge has nothing to do but apply: the people learn the advantage of submitting to inferior authority: a more accurate administration of justice is demanded, and cannot be performed without a great application both of attention and of time: the people learn that it is for the good of the community, that they should not terminate, and that they should not be allowed to terminate, either by force or fraud, their own disputes: the administration of justice becomes then too laborious to be either agreeable to the king, or consistent with the other services which he is expected to render: and the exercise of judicature becomes a separate employment, the exclusive function of a particular order of men.

The administration of justice by the king in person, and in the provinces of course by his deputies, as in the subordinate districts by theirs, stands in the sacred books as a leading principle of the jurisprudence of the Hindus; and the revolution of ages has introduced a change in favour rather of the prince who abandons the duty, than of the people, for whom hardly any other instrument of judicature is provided.

BOOK II. CHAP. 3.

In the infancy of improvement, the business of the judge is much more to award punishment, than to settle disputes. The Hindu law, accordingly, represents the king, as "created for the guardianship of all, a divinity in human form, to inflict punishment according to the Shaster."[1] In conformity with these rude ideas, the most extravagant praises are bestowed upon this engine of royalty. "For the use of the king, Bramah formed, in the beginning of time, the genius of punishment with a body of pure light, his own son, the Protector of all created things. Punishment governs all mankind; punishment alone preserves them; punishment wakes while their guards are asleep; the wise consider punishment as the perfection of justice. If the king were not, without indolence, to punish the guilty, the stronger would roast the weaker, like fish, on a spit. The whole race of man is kept in order by punishment; for a guiltless man is hard to be found."[2]

For the more perfect discharge of this important duty the king is directed to associate with himself Brahmens, and counsellors capable of giving him advice.[3] Any Brahmen, or even a person of the two middle classes, may interpret the law to him; but a Sudra in no case whatever.[4] On those occasions on which it was impossible for the king to give judg-

1 Halhed's Gentoo Code, preface.

2 Laws of Menu, ch. vii. 14—22.

3 Ib. ch. viii. 1.

4 Ib. ch. viii. 20. To learned and righteous Brahmens the magistrate sha'l give money, and every token of respect and consideration in the judgment seat, to have them near him; but he shall not retain fewer than ten of such Brahmen. Gentoo Code, ch. iii. sect. 1. The more sacred books of law the men by denomination *holy* were alone permitted to read. Thus the law of Menu (ch. ii. 16.) "He whose life is regulated by holy texts, from his conception even to his funeral pile, has a decided right to study this code, but no other person whatsoever." The more profane commentaries, however, were less confined, and the man versed in these might suffice for the common business of administering justice.

ment in person, he was empowered to appoint a Brahmen, who, with three assessors, might try causes in his stead.[1]

So much with regard to the constitution of the tribunals. The solemnities of jurisdiction were thus ordered to proceed: "Let the king, or his judge, having seated himself on the bench, his body properly clothed, and his mind attentively fixed, begin with doing reverence to the deities who govern the world, and then let him enter on the trial of causes."[2] The form of process was simple, and good; as it always is among a rude people. The parties were heard, generally in person; though lawyers by profession, unless in the case of certain high crimes, might appear in lieu of the principals. The application of the plaintiff might be either oral or written; but the answer was required to be in the same form; oral, if the application was oral; and in writing, if it was otherwise.[3] The judge examines the witnesses; inspects, if any, the writings; and without any intricate or expensive forms proceeds directly to a decision. Punishment immediately follows conviction.[4]

One of the most respected witnesses affords a picture of the practical state of judicature in India, which, there is every reason to believe, may, with immaterial variations, be applied to Hindu society from the period at which it first attained its existing form. "No man is refused access to the Durbar, or seat of judgment; which is exposed to a large area,

[1] Laws of Menu, ch. viii. 9, 10. The Gentoo Code, translated by Mr. Halhed, directs, that when the king in person cannot examine a cause, he substitute a learned Brahmen; if a Brahmen cannot be found, a Cshatriya, &c. but in no case a Sudra. Gentoo Code, ch. iii. sect. 1.

[2] Laws of Menu, ch. viii. 9, 10.

[3] Gentoo Code, ch. iii. sect. 5.

[4] Orme on the Government, &c. of Indostan, p. 451.

BOOK II. CHAP. 3.

capable of containing the multitude.[1] The plaintiff discovers himself by crying aloud, Justice! Justice! until attention is given to his importunate clamours. He is then ordered to be silent, and to advance before his judge; to whom, after having prostrated himself, and made his offering of a piece of money, he tells his story in the plainest manner, with great humility of voice and gesture, and without any of those oratorial embellishments which compose an art in freer nations.—The wealth, the consequence, the interest, or the address of the party, become now the only considerations. He visits his judge in private, and gives the jar of oil: his adversary bestows the hog which breaks it. The friends who can influence intercede; and, excepting where the case is so manifestly proved as to brand the failure of redress with glaring infamy (a restraint which human nature is born to reverence) the value of the bribe ascertains the justice of the cause.—This is so avowed a practice, that if a stranger should inquire how much it would cost him to recover a just debt from a creditor who evaded payment, he would every where receive the same answer; the government will keep one-fourth, and give you the rest.—Still the forms of justice subsist; witnesses are heard, but brow-beaten and removed: proofs of writing produced, but deemed forgeries and rejected, until the way is cleared for a decision, which becomes totally or partially favourable, in proportion to the methods which have been used to render it such; but still with some attention

[1] This publicity of judicial proceedings is common to rude nations. In the country and days of Job, the judge sat at the gate of the city, ch. ix. ver. 7. Moses alludes to the same practice, Gen. xxiii. 18; and Homer tells us it was the practice in the heroic ages of Greece, Il. lib. xviii. ver. 497.

to the consequences of a judgment, which would be of too flagrant iniquity not to produce universal detestation and resentment.—Providence has, at particular seasons, blessed the miseries of these people with the presence of a righteous judge. The vast reverence and reputation which such have acquired are but too melancholy a proof of the infrequency of such a character. The history of their judgments and decisions is transmitted down to posterity, and is quoted with a visible complacency on every occasion. Stories of this nature supply the place of proverbs in the conversations of all the people of Indostan, and are applied by them with great propriety."[1]

Such are the principal branches of the duty of the sovereign, and in these various institutions may be contemplated an image of the Hindu government. It is worthy of a short analysis. The powers of government consisting of three great branches, the legislative, the judicial, and the administrative; we have to inquire, in what hands these several powers are deposited, and by what circumstances their exercise is controlled. As the Hindu believes, that a complete and perfect system of instruction, which admits of no addition or change, was conveyed to him from the beginning by the Divine Being, for the regulation of his public as well as his private affairs, he acknowledges no laws but those which are contained in the sacred books. From this it is evi-

[1] Orme on the Government and People of Indostan, p. 444—446. Another of our most instructive travellers, Mr. Foster, in the Dedication prefixed to his Journey from Bengal to England, p. vii., calls Hindustan, "A land whose every principle of government is actuated by a rapacious avarice, whose people never approach the gate of authority without an offering."—This is a subject to which he often adverts; he says again, (i. 7,) "In Asia, the principles of justice, honour, or patriotism, as they confer no substantial benefit, nor tend to elevate the character, are seldom seen to actuate the mind of the subject."

dent, that the only scope which remains for legislation is confined within the limits of the interpretations which may be given to the holy text. The Brahmens enjoy the undisputed prerogative of interpreting the divine oracles; for though it is allowed to the two classes next in degree to give advice to the king in the administration of justice, they must in no case presume to depart from the sense of the law which it has pleased the Brahmens to impose. The power of legislation, therefore, exclusively belongs to the priesthood. The exclusive right of interpreting the laws necessarily confers upon them, in the same unlimited manner, the judicial powers of government. The king, though ostensibly supreme judge, is commanded always to employ Brahmens as counsellors and assistants in the administration of justice; and whatever construction they put upon the law, to that his sentence must conform. Whenever the king in person discharges not the office of judge, it is a Brahmen, if possible, who must occupy his place. The king, therefore, is so far from possessing the judicial power, that he is rather the executive officer by whom the decisions of the Brahmens are carried into effect.

They who possess the power of making and interpreting the laws, by which another person is bound to act, are by necessary consequence the masters of his actions. Possessing the legislative and judicative powers, the Brahmens were, also, masters of the executive power, to any extent, whatsoever, to which they wished to enjoy it. With influence over it they were not contented. They secured to themselves a direct, and no contemptible share of its immediate functions. On all occasions, the king was bound to employ Brahmens, as his counsellors and ministers; and, of course, to be governed by their judgment. "Let the king, having risen early," says

the law, "respectfully attend to Brahmens learned in the three Vedas, and by their decision let him abide."[1] It thus appears that, according to the original laws of the Hindus, the king was little more than an instrument in the hands of the Brahmens. He performed the laborious part of government, and sustained the responsibility, while they chiefly possessed the power.[2]

The uncontrolable sway of superstition, in rude and ignorant times, confers upon its ministers such extraordinary privileges, that the king and the priest are generally the same person; and it appears somewhat remarkable that the Brahmens, who usurped among their countrymen so much distinction and authority, did not invest themselves with the splendour of royalty. It very often happens that some accidental circumstances, of which little account was taken at the time, and which after a lapse of ages it is impossible to trace, gave occasion to certain peculiarities which we remark in the affairs and characters of nations. It is by no means unnatural to suppose, that to a people, over whom the love of repose exerts the greatest sway, and in whose character aversion to danger forms a principal ingredient, the toils and perils of the sword appeared to surpass the advantages with which it was attended; and that the Brahmens transferred to the hands of others, what

[1] Laws of Menu, ch. vii. 37.

[2] Even under a system, where the power of the altar was from the beginning rendered subservient to the power of the sword, the right of interpreting a code of sacred laws is found to confer an important authority. Hear the opinion of a recent, and penetrating observer:—"L'expression vague des preceptes du Koran, seule loi ecrite dans les pays Musulmans, laisse aux docteurs une grande latitude pour les interpretations, et bien des moyens d'augmenter leur autorité. Quoique cette religion ait peu de dogmes, le fanatisme qu'elle inspire est un instrument que les prêtres savent employer avec succés." De l'Egypte, par le Gen. Reynier, p. 62.

BOOK II. CHAP. 3. was thus a source of too much labour, as well as danger, to be retained in their own.

So many, however, and important were the powers which this class reserved to themselves, that the kingly dignity would appear to have been reduced to that of a dependant and secondary office. But with this inference the fact does not correspond. The monuments of the Hindus, imperfect as they are, convince us, that their monarchs enjoyed no small share both of authority, and of that kind of splendour which corresponded with their own state of society. They had entrusted to them two engines, the power of which their history serves remarkably to display: They were masters of the army; And they were masters of the public revenue. These two circumstances, it appears, were sufficient to counterbalance the legislative, and the judicative, and even a great part of the executive power, reinforced by all the authority of an overbearing superstition, lodged in the hands of the Brahmens. These threw around the sovereign an external lustre, with which the eyes of uncultivated men are easily dazzled. In dangerous and disorderly times, when every thing which the nation values depends upon the sword, the military commander exercises unlimited authority by universal consent; and so frequently is this the situation of a rude and uncivilized people, surrounded on all sides by rapacious and turbulent neighbours, that it becomes, in a great measure, the habitual order of things. The Hindu king, by commanding, both the force, and the revenue of the state, had in his hands the distribution of gifts and favours; the potent instrument, in short, of patronage; and the jealousy and rivalship of the different sets of competitors would of their own accord give him a great influence over the Brahmens themselves. The dis-

tribution of gifts and favours is an engine, of such power, that the man who enjoys it to a certain extent is absolute, with whatever checks he may appear to be surrounded.[1]

[1] See what is observed by three great authors, Hume, Blackstone, and Paley, on the influence of the crown in England. See also what is observed by Lord Bolingbroke on the same subject, in his Dissertation on Parties.

CHAP. IV.

The Laws.

BOOK II. CHAP. 4.

NEXT to the form of government, in determining the political condition of the people, is the body of law, or the mode in which the rights of individuals are expressed and secured. For elucidating this important point, in the history of the Hindus, materials are abundant. The detail, however, or even the analysis, of the Hindu code, would far exceed the bounds, to which, in a work like the present, this topic must be confined. An accurate conception of the character and spirit of the Hindu laws, and of their place in the scale of excellence or defect, is all I can attempt to convey.

Amid the imperfections adhering to the state of law among a rude and ignorant people, one observation is, that they preserve not their maxims of justice, and their rules of judicial procedure, distinct from other subjects. In the law books of the Hindus, the details of jurisprudence and judicature occupy comparatively a very moderate space.[1] The doctrines and ceremonies of religion; the rules and practice of education; the institutions, duties, and customs of domestic life; the maxims of private morality, and even of domestic economy; the rules of government,

[1] Examine that important specimen of an original Hindu book of law, the Institutes of Menu. See too the confession of Mr. Colebrooke in the preface to his translation of the Digest of Hindu Law on Contracts and Successions; a work compiled a few years ago, under authority of the English government, by some of the most learned and respectable of the Brahmens.

of war, and of negotiation; all form essential parts of the Hindu codes of law, and are treated in the same style, and laid down with the same authority, as the rules for the distribution of justice. The tendency of this rude conjunction of dissimilar subjects is, amid other inconveniences, to confound the important distinction between those obligations which it is the duty of the magistrate to enforce, and those which ought to be left to the suggestions of self-interest, and the sanctions of morality; it is to extend coercion, and the authority of the magistrate, over the greater part of human life, and to leave men no liberty even in their private and ordinary transactions, while it lessens greatly the force of the legal sanction in those cases in which its greatest efficiency is required.

Another topic, which it will be convenient to detach and premise, is the division and arrangement, which the Hindus have given to the matter of law. In marking a stage of civilization, this is a very characteristic circumstance. The human mind, as, in a rude state, it has not the power to make a good distribution of a complicated subject, so it is little aware of its importance; little aware that this is the groundwork of all accurate thought. In the Institutes of Menu, the most celebrated perhaps of all the original compends of Hindu law, the titles, as they are there denominated, or divisions, of law, are eighteen, laid down in the following order:—1. Debt, on loans for consumption; 2. Deposits and loans for use; 3. Sale without ownership; 4. Concerns among partners; 5. Subtraction of what has been given; 6. Nonpayment of wages or hire; 7. Nonperformance of agreements; 8. Rescission of sale and purchase; 9. Disputes between master and servant; 10. Contests on bounda-

BOOK II. CHAP. 4.

ries; 11 and 12. Assault, and slander; 13. Larceny; 14. Robbery and other violence; 15. Adultery; 16. Altercation between man and wife and their several duties; 17. The law of inheritance; 18. Gaming with dice and with living creatures.[1] It is not easy to conceive a more rude and defective attempt at the classification of laws, than what is here presented. The most essential and obvious distinctions are neglected and confounded. Though no arrangement would appear more natural, and more likely to strike even an uncultivated mind, than the division of laws into civil and penal, we find them mixed and blended together in the code of the Hindus. The first nine of the heads or titles, as above, refer to civil law; the eleventh, twelfth, thirteenth, fourteenth, and fifteenth, to criminal law; the sixteenth and seventeenth return to civil, and the eighteenth to criminal; while the tenth relates partly to the one and partly to the other.

Another ground of division, well calculated, as being exceedingly obvious, to strike an uncultivated mind,

[1] Laws of Menu, ch. viii. The division and arrangement of the same subject, in the compilation translated by Mr. Halhed, is very similar, as will appear by the following titles of the chapters:—1. Of lending and borrowing; 2. Division of inheritable property; 3. Of justice; 4. Trust or deposit; 5. Selling a stranger's property; 6. Of shares; 7. Alienation by gift; 8. Of servitude; 9. Of wages; 10. Of rent or hire; 11. Purchase or sale; 12. Boundaries or limits; 13. Shares in the cultivation of land; 14. Of cities, towns, and of the fines for damaging a crop; 15. Scandalous and bitter expressions; 16. Of assaults; 17. Theft; 18. Violence; 19. Adultery; 20. Of what concerns women; 21. Of sundry articles. In the elaborate Digest on the subject of Contracts and Inheritances, which has been translated by Mr. Colebrooke, the titles of the books, as far as they extend, coincide exactly with the titles in the Institutes of Menu; thus, Book 1. On loans, and their payment; Book 2. On deposits; Book 3. On the nonperformance of agreements; Book 4. On the duties of man and wife. The part of the work which relates to inheritance is included in one book, and is the same with the 17th title enumerated in the Institutes of Menu.

is the distinction of persons, and things. This was the ground-work of the arrangement bestowed upon the Roman laws. It is that of the arrangement which continues to prevail in the English; rude as it is, at once the effect, and the cause, of confusion.[1] It will be seen, however, that even this imperfect attempt at a rational division was far above the Hindus.

In the order in which the titles follow one another, no principle of arrangement can be traced. The first eight of the heads may be regarded as allotted to the subject of contracts; but a more rude and imperfect division of contracts cannot easily be conceived. Not to dwell upon the circumstance of beginning with loans, one of the most remote and refined contracts, instead of the more obvious and simple, we may observe that the subject of purchase and sale is divided into two parts; but, instead of being treated in conjunction with one another, one occupies the third place in the list of titles, the other the eighth; and a number of heterogeneous subjects intervene. "Concerns among Partners" is a title which occupies the middle place between that of "Sale without Ownership," and "Subtraction of what has been given;" with neither of which it has any relation. "Nonpayment of wages or hire" stands immediately before "Nonper-

[1] The Romans, by the ambiguity of their word *jura*, which signified either *rights* or *laws*, were enabled to use, without manifest impropriety, such expressions as, *jura* of persons, and *jura* of things: for though it was absurd to talk of the *rights* of things, things having a right to nothing, yet it was not absurd to talk of the *laws* of things. In their expressions *jura personarum* and *jura rerum*, there was, therefore, only confusion of ideas, and ambiguity. The English lawyers, from two of their characteristic properties, blind imitation, and the incapacity of clearing confused ideas, have adopted the same division; though in their set of phrases, rights of persons, and rights of things, there is not only confusion and ambiguity, but gross absurdity.

BOOK II. CHAP. 4.

formance of Agreements," though the latter is a general title in which the former is included. The latter indeed is remarkable; for it is so general that it includes the whole subject of contracts, though it is here placed as only one, and the last save one, among nine different titles or divisions of that subject. Several of the titles are nothing but particular articles, belonging to some of the other divisions; and are with great impropriety made to stand as separate and primary heads. The contracts for example, between master and servant, are part of the great subject Location, or letting and taking to hire, including services as well as things; yet are these contracts here treated of under two distinct titles; the one, "Nonpayment of wages or hire," the other, "Disputes between master and servant," and even these are separated from one another by two intervening subjects. "Concerns among partners," is an article, little, surely, entitled to stand as a separate head among the primary divisions of law, since the rights of individuals in a joint property fall under the same distinctions and rules which determine their rights in other property.[1] Where one branch of one great topic,

[1] A very odd attempt at a further generalization upon the first nine titles appears in Mr. Colebrooke's Digest. His first book, On Loans, corresponds exactly with the first title in the Institutes of Menu. His second book, On Deposits, is divided into four chapters, which are exactly the 2d, 3d, 4th, and 5th titles in the list of Menu. His third book, which is entitled, "On the Nonperformance of Agreements," is divided into four chapters, and these are the same with the four succeeding titles in the classification of Menu.—1. Loans, 2. Deposits. 3. Nonperformance of agreements: These, according to the logic of the Digest, are the grand classes of contracts, and the titles which belong to them. The last of the titles, it is evident, cannot belong to any particular class: Nonperformance is incident to all classes of contracts. Either, therefore, this is an improper title altogether, or it ought to stand as the title of the whole subject of contracts: and then Nonperformance of Agreements would include, *loans*, *deposits*, and every thing else. Under

as transfer of ownership, is taken up, and concluded, it would appear a very necessary arrangement to pass on to another: when transfer by contract for example, is finished, to begin with transfer by descent. Such obvious rules appear to have had no influence in the framing of the Hindu systems of law: when the subject of contracts is ended, the principal branches of criminal law are introduced; and, after these and some other topics are finished, then follows the great subject of inheritance.[1]

In order to convey, in as narrow a compass as possible, an idea of the maxims and spirit of Hindu jurisprudence, it will be convenient not to follow the mangled division of the Hindus themselves. Omitting the laws, which regulate the political order, which determine who are to govern, who are to obey, and define the terms of command and obedience; laws are conveniently distributed under the three usual heads; I. Civil laws, though *Civil* is a very objectionable term; II. Penal laws; and III. The laws of judicature, or those which fix the mode in which the

Deposits the Digest includes the following sub-titles, 1. Deposits, and other bailments; 2. Sale without ownership; 3. Concerns among partners; 4. Subtraction of gifts: of which the last two have no more to do with *deposits* than they have with *loans*, or any the most remote branch of the subject; and the second is either a part of the first, and ought to have been included under it, as relating to the sale of things deposited, or that also has no connexion with the title. Let us next contemplate the sub-titles included under *Nonperformance of Agreements*. They are, 1. Nonpayment of wages or hire; 2. Nonperformance of agreements, chiefly in association; 3. Rescission of purchase and sale; 4. Disputes between master and herdsman: As if these included all the agreements of which there could be nonperformance. The first and last of them, moreover, are the same thing, or the last is a portion of the first. It is needless to carry the criticism further.

[1] It is curious, though somewhat humbling, to observe how far great men may let authority mislead them. "The articles," says Dr. Robertson, "of which the Hindu code is composed, are arranged in natural and luminous order." Disquisition concerning India, Appendix, p. 217.

BOOK II. CHAP. 4. judicial services are rendered. Under each of these heads, such particulars have been carefully selected from the multitude of Hindu laws, as appeared the best calculated to convey an idea of the leading qualities of the Hindu code, and of the stage of civilization at which it may appear to have been formed.

I. Under the first of these heads, property is the great subject of law: To this we may confine our illustrations.

It is needless to remark, that the sources of acquisition, by occupancy, by labour, by contract, by donation, by descent; which are recognized in almost all states of society, are recognized in Hindustan. It is in the accuracy with which the intended effects of these incidents are defined, and in the efficiency of the means taken to secure the benefits they convey, that the excellence of one system above another is more particularly observed.

Though property, in the first stage of its existence, was probably measured by occupancy, and the one ceased with the other,[1] the privilege was early conferred of alienating for a valuable consideration, or of transferring by purchase and sale. As this is a very simple compact, it appears to admit of little variety in the various stages of human improvement. In an age, however, in which the means of detecting fraudulent acquisitions, and of proving the good faith of contracts and bargains, are imperfectly known, purchases and sales, made in public, are alone consi-

[1] Lord Kames, Historical Law Tracts, p. 123, 154. Grotius de Jure Belli ac Pacis, lib. II. cap. ii. 2. Blackstone's Commentaries on the Laws of England, book II. c. i. The annotator on some of the late editions of Blackstone differs from the doctrine in the text. But that writer seems to have mistaken an important circumstance, carefully attended to by the great lawyers quoted above, that when the commodities of the earth began to be appropriated they were not without owners, but the common domain of the race at large.

dered valid. The laws of our Saxon ancestors prohibited the sale of every thing above the value of twenty pence, except in open market;[1] and it is with a pleasing kind of surprise we find, that similar circumstances have suggested a similar expedient to the people of Hindustan. "He," says the law of Menu,[2] "who has received a chattel by purchase in open market, before a number of men, justly acquires the absolute property, by having paid the price of it." The right, however, conveyed by a bonâ fide purchase, is not, among the Hindus, carried to that extent, which is found requisite in a commercial and highly civilized society. If the goods were not the property of the person by whom they were sold, the right of the purchaser becomes absolute only if he can produce the vendor. "If," says the law of Menu,[3] "the vendor be not producible, and the vendee prove the public sale, the latter must be dismissed by the king without punishment; and the former owner, who lost the chattel, may take it back, on paying the vendee half its value." This is quite sufficient to throw so much uncertainty into the great class of transactions by purchase and sale, as would prove in a civilized state of society, a ruinous obstruction of business. A manufacturer purchases a quantity of the raw material, and works it up; he would lose, in a mischievous proportion, if the owner of that material could demand the identical substance, on tendering the half of its price. In many cases the identical substance is exported; in many it is consumed; and cannot possibly

[1] L. L. Ethel. 10, 12. L. L. Edg. Hickes. Dissert. p. 30.

[2] Ch. viii. 201. When Abraham bought a field of Ephron to bury Sarah, the bargain was transacted in the presence of all the people. Genesis, ch. xxiii. See, too, Homer's Iliad, lib. xviii. ver. 499, &c.

[3] Ch. viii. 202.

BOOK II. CHAP. 4.

be restored.[1] Among children, and among rude people, little accustomed to take their decisions upon full and mature consideration, nothing is more common than to repent of their bargains, and wish to revoke them: Among the Hindus this has been found an affair of sufficient importance to constitute an entire head in the classification of their laws. A variety of cases are enumerated, in which, if dissatisfied with his bargain, a man may insist upon having it annulled; and in general any sale and purchase of things, not perishable, may be rescinded within ten days, at the will of either of the parties:[2] another law, altogether incompatible with an age in which the divisions and refinements of industry have multiplied the number of exchanges. The regulation, which fixes the price of things, instead of leaving it to the natural and beneficent laws of competition, conveys not a high idea of the knowledge of the Hindus. "Let the king," says the ordinance of Menu, "establish rules for the sale and purchase of all marketable things. Once in every five nights, or at the close of every half month, let him make a regulation for market prices."[3]

[1] A curious enumeration of the cases in which the property of one man is so incorporated with that of another as to be inseparable, is given in the Roman law, under the head of *Accessio*: Inclusio, adferruminatio, intextura, inædificatio, scriptura, pictura, specificatio, commixtio, et confusio.

The English law (a few special cases excepted) gives an absolute right of property to the bonâ fide purchaser, by whatever means the commodity may have come into the hands of the vendor. If the English law, however, takes care of the purchaser, it must be owned that it is deplorably defective in the care which it takes of the party by whom the commodity is lost.

[2] Laws of Menu, ch. viii. 222, 223. See also Halhed's Code of Gentoo Laws, ch. xi. and Mr. Colebrooke's Digest of Hindu Law, book III. ch. iii.

[3] Ib. 401, 402. It is worthy of remark that this was a regulation too among the ancient Britons. Leges Wallicæ, lib. iii. 247. Henry's Hist. Brit. iv. 202.

It is a circumstance full of meaning, that, under this head of bargain and sale, is arranged the obligation of the marriage contract.[1]

There are many occasions, on which it is useful to the owner of property, to place it in the keeping of another person, without transfer of the ownership. It may be placed, for safe-custody merely; for the sake of an operation, as with the dyer, for the benefit of his art; with the carrier, either by sea or land, for the sake of transportation; or it may be placed, as in the case of a valuable animal, for the sake of maintenance. These, and a variety of other transactions of a similar sort, are included in English law under the title of bailments. In a well-regulated society, where the house of one man is nearly as secure from violence as that of another, mere deposits, unless in the case of warehousing, the object of which is convenience or economy, rather than security, form a class of transactions of little comparative magnitude. In a rude society, in which there is little or no security, and in which the means of concealing valuables is one of the great studies of life, deposits become an object of the greatest importance. In the Hindu code, other cases of bailment occupy a narrow space: the article of deposits swells, alone, to a great size, and forms a subject of considerable intricacy and detail.[2] The modes of proof constitute the chief peculiarities in the provisions, and will be considered, when we speak of the third branch of jurisprudence.

[1] Laws of Menu, ch. viii. 224 to 227.

[2] See Laws of Menu, ch. viii.; Halhed's Gentoo Code, iv.; Colebrooke's *Digest*, book II. ch. i.; Heineccii Pandect. pars III. lib. xvi. tit. 3, on the subject of deposits, and the importance of this class of transactions in the early days of Rome, with the causes of that importance.

The reader may see one of the few attempts which have been made to let in the light of common sense upon the law of England, in the Essay on Bailments, by Sir William Jones.

BOOK II. CHAP. 4.

One rule, however, expressive of great simplicity, not to say rudeness, belongs exclusively to this article: "On failure of witnesses, to prove a deposit, let the judge actually deposit gold or precious things with the defendant, by the artful contrivance of spies. Should he restore that deposit, he is to be held innocent; if he deny it, he is to be apprehended and compelled to pay the value of both."[1]

Hiring; that is, transferring to another, for a valuable consideration, and to a definite extent, the use of any thing valuable; is a right which holds a sort of middle place between sale and bailment; and may extend to personal services as well as to commodities.[2] As this contract falls very naturally under the laws of purchase and sale,[3] it occupies a narrow space in the volumes of Hindu law, and as far as commodities are concerned, offers nothing particular for observation.[4] In the hire of personal services, three principal classes are distinguished; first, the students of the Veda, who discharge every menial office to

[1] Laws of Menu, ch. viii. 183.

[2] The language of English law in the case of this contract is defective, and a source of confusion. In the case of other contracts, it has one name for the act of one of the parties, another name for that of the other. Thus, in the case of exchange, one of the parties is said to sell, the other to buy; in that of a loan, one of the parties is said to lend, the other to borrow. In the present case, it often uses but one name for the acts of both parties; he who gives, and he who receives, the use, being both said to hire. The Civilians are saved from this inconvenience by the use of the Latin language; in which the act of the one party is termed *locatio*, that of the other *conductio*. To *let* and to *hire*, if uniformly employed, would answer the same purpose in English.

[3] Institut. Justin. lib. iii. tit. 25. Locatio et conductio proxima est emptioni et venditioni, iisdemque juris regulis consistit.

[4] The simplicity of some of the enactments promotes a smile; "If a person hath hired any thing for a stipulated time he shall pay the rent accordingly." (Gentoo Code, x.) Again, "If a person, having agreed for the rent of the water of a pool, or of the water of a well, or of the water of a river, or of a house, does not pay it, the magistrate shall cause such rent and hire to be paid." Ibid.

their masters, and receive instruction in return: secondly handicrafts, who receive either stipulated wages, or, if no agreement has been made, one tenth of the profits on their labour; thirdly, agricultural servants, who are always paid in kind; for tending cows, one tenth of the milk; for the culture of corn, one tenth of the crop.[1]

That peculiar species of transfer which is known by the name of loan is an object of great importance in the jurisprudence of all nations. Among the Hindus it stands as the first article in the classification of legal subjects, and in the Digest of Mr. Colebrooke occupies entirely one of the four books into which the compilers of that work have divided the laws of contract. From the peculiarities in the ideas and in the circumstances of the Hindus, it forms among them a subject of more than usual complexity. In an improved state of society, where the efficiency of laws, the diffusion of wealth, and the accommodations of business, have created a mutual confidence, loans are generally contracted on the security of law, without the actual custody or deposit of the property on which they may be secured. It is only in that extremely confined and degraded species of lending, abandoned to pawnbrokers, that pledges form a regu-

[1] If a hired servant perform not his work according to agreement, he shall be fined, and forfeit his wages. What he has been prevented by sickness from performing, he is allowed to execute after he is well; but if he leaves unfinished, either by himself or a substitute, any part of the stipulated service, however small, he is deprived of the hire for the whole. One branch of this subject, the obligations between masters, and the servants who tend their cattle, is of so much importance, denoting a state of society approaching the pastoral, as to constitute a whole title of Hindu law. The principal object is to define those injuries accruing to the cattle, and those trespasses committed by them, for which the keeper is responsible. Laws of Menu, ch. viii. 214 to 218, and 229 to 244. Halhed's Gentoo Code, viii., ix. Colebrooke's Digest, book III. ch. ii. and iv.

BOOK II. CHAP. 4. lar and component part. In the more early and imperfect states of the social union, circumstances are very different. Law is both feeble and inaccurate, poverty reigns, violence prevails; and the man who is able to discharge his debts to-day may be stript of all his possessions to-morrow. In these circumstances, the security of law upon the person or property of the debtor is seldom sufficient; and the deposit of some equivalent property, as a pledge, is the obvious, and, in point of fact, the common resource. The doctrine of pledges forms one of the most considerable branches of this part of the Hindu code. The laws relating to them are laid down with great minuteness and solemnity; a variety of cases are distinguished; and the receipt of pledges appears to have formed a component part of a comparatively numerous and important class of transactions.[1] The responsibility of a second person, who becomes surety for the borrower, is another foundation on which Hindu loans are contracted, and the different species of it are not inaccurately distinguished.[2] Interest, or a consideration for property lent, appears to have been known at a very early stage of civilization.[3] As it is only interest on debts of money which is familar to the members of a highly-civilized society, European visitors appear to have been forcibly struck with the Hindu law, which imposes an interest to be paid in kind on loans in goods, as grain, fruit, wool or hair, beasts of burden and the like.[4] Mr. Halhed says, "The different rate of interest to be paid for

[1] Laws of Menu, ch. vii. Halhed's Gentoo Code, ch. i. sect. 2. Colebrooke's Digest, part I. book I. ch. iii.

[2] Laws of Menu, ch viii. Colebrooke's Digest, part I. book I. ch. iv. Halhed's Gentoo Code, ch. i. sect. 3.

[3] It was perfectly familiar to the Jews at the time of their departure from Egypt; Deuteron. ch. xxiii. 20.

[4] Laws of Menu, viii. 151.

different articles is perhaps an institute peculiar to Hindustan; but it reflects a strong light upon the simplicity of ancient manners, before money was universally current as the medium of barter for all commodities, and is at the same time a weighty proof of the great antiquity of these laws, which seem calculated for the crude conceptions of an almost illiterate people upon their first civilization."[1] When Mr. Halhed, however, informs us that this law "reflects a strong light upon the simplicity of *ancient* manners," it is necessary to add that whatever light it reflects upon *ancient*, it reflects the same upon *present* manners, as this is not a law anciently in force, but long ago repealed; it is a law now in operation, and as suitable as ever to the purely Hindu state of society. Mr. Halhed too is mistaken when he supposes that this is an institution peculiar to the Hindus. It was familiarly known to the Jews in the time of Moses, and was probably a common practice in the nations around Judea, as well as in Egypt, from which the Jews had recently departed.[2]

To vary the rates of interest upon the different castes is a peculiarity more naturally arising from the unfair and odious distinctions among men, created by the Hindus. The rule established in the Institutes of Menu is, to take, when there is a pledge, one and a quarter per cent. per month; when there is no pledge, two per cent. per month; that is, from a Brahmen: but from a man of the military caste, three per cent.; four per cent. from one of the mercantile caste; and from a man of the servile caste

[1] Halhed, Preface to the Code of Gentoo Laws, p. 53.

[2] "Thou shalt not lend upon usury to thy brother, usury of money, usury of *victuals*, usury of *any thing that is lent upon usury*. Unto a stranger thou mayest lend upon usury." Deuteron. xxiii. 19, 20.

BOOK II. CHAP. 4.

no less than five per cent. per month.[1] This exorbitant rate of interest affords a satisfactory criterion to judge of the opinions which are not unfrequently advanced, of the great riches which, at some imaginary period, formerly distinguished Hindustan. The excessive accumulation, however, of interest was forbidden. Upon a loan in money, interest, beyond the amount of the principal, was not a debt;[2] upon loans in goods, for some reason which it is not easy to divine, it was permitted to five times the amount of the principal. Compound interest too was prohibited. These were rules which would give effectual motives to the Hindu creditor to exact the regular payment of his interest, with rigid severity.[3] In the laws relating to loans, however, the most remarkable particular is the mode of enforcing payment. The creditor is commanded, first, to speak to the friends and relations of the debtor; next, to go in person and importune him, staying some time in his house, but without eating or drinking. If these methods fail, he may then carry the debtor home with him, and having seated him, as the law expresses it, before men of character and reputation, may there detain him. Should he still hold out, the creditor is next directed, to endeavour by feigned pretences to get possession of some of his goods; or, if any pledge was deposited with him, to carry it

[1] The tribes of Burren Sunker, that is, all the mixed classes, pay at the rate of one in sixteen (or rather more than six per cent.) per month. Halhed's Gentoo Code, ch. i. sect. 1.

[2] It is curious that this too was a law of Egypt, at least in regard to loans upon security. Diod. Sic. lib. i. cap. 79. Goguet's Origin of Laws, part III. book I. ch. iv.

[3] For the details respecting the law of interest, consult Laws of Menu, ch. viii. 140 to 154. Halhed's Gentoo Code, ch. i. sect. 1. Colebrooke's Digest, part I. book I. ch. ii.

before the magistrate, who will cause it to be sold to make payment. If neither of these expedients can be used, he shall seize and confine the debtor's wife, children, cattle, buffaloes, horses, &c.; also his pots, clothes, mats, and furniture, and, seating himself at his door, there receive his money. Should even this proceeding fail, he is commanded to seize and bind the debtor's person, and procure by forcible means a discharge of the debt.[1] What is meant by forcible means is sufficiently explained in the following extraordinary definition. "When, having tied the debtor, the creditor carries him to his own house, and by beating or other means compels him to pay, this is called violent compulsion. By beating," adds the law, "or by coercion, a creditor may enforce payment from his debtor."[2] When the debtor is of a caste not superior to the creditor, the latter may seize and compel him to labour for the discharge of the debt. If a man owes debts to several creditors, he is commanded to discharge first one debt and then another, in the order in which they were contracted; a regulation by which one or two of his creditors may receive in full their demands, while the rest, whether few or numerous, are entirely defrauded. The equitable arrangement of an equal dividend, which we find established among nations of very limited progress in the knowledge of law, obvious and useful as it is, had not suggested itself to the rude legislators of Hindustan. When a creditor procures payment of a debt by application to the magistrate, he pays him for his interposition a twentieth

[1] This mode of personal seizure had place at an early age among the Egyptians; but they made sufficient advancement to abolish it. A law of king Bocchoris permitted the creditor to seize only the goods of his debtor for payment. Diod. Sic. lib. i. p. 90.

[2] Colebrooke's Digest, part I. book I. ch. vi. sect. 240, 241.

BOOK II. CHAP. 4.

part of the sum recovered.[1] By a very extraordinary regulation a punishment seems to be inflicted on the defendant in all actions for debt wherein he is cast. "A debt being admitted by the defendant, he must pay five in the hundred as a fine to the king; but if it be denied and proved, twice as much."[2] The sacred character of the Brahmen, whose life it is the most dreadful of crimes either directly or indirectly to shorten, suggested to him a process for the recovery of debts, the most singular and extravagant that ever was found among men. He proceeds to the door of the person whom he means to coerce, or wherever else he can most conveniently intercept him, with poison or a poignard in his hand. If the person should attempt to pass, or make his escape, the Brahmen is prepared instantly to destroy himself. The prisoner is therefore bound in the strongest chains; for the blood of the self-murdered Brahmen would be charged upon his head, and no punishment could expiate his crime. The Brahmen setting himself down, (the action is called sitting in dherna) fasts; and the victim of his arrest, for whom it would be impious to eat, while a member of the sacred class is fasting at his door, must follow his example. It is now, however, not a mere contest between the resolution or strength of the parties; for if the obstinacy of the prisoner should exhaust the Brahmen, and occasion his death, he is answerable for that most atrocious of crimes the murder of a priest; he becomes execrable to his countrymen; the horrors of remorse never fail to pursue him; he is shut out from the benefits of society, and life itself is

[1] For the laws respecting recovery of debt, see Laws of Menu, ch. viii. Halhed's Gentoo Code, ch. i. sect. 5. Colebrooke's Digest, part I. book I. ch. lvi.

[2] Laws of Menu, viii. 139.

a calamity. As the Brahmen who avails himself of this expedient is bound for his honour to persevere, he seldom fails to succeed, because the danger of pushing the experiment too far is, to his antagonist, tremendous. Nor is it in his own concerns alone that the Brahmen may turn to account the sacredness of his person: he may hire himself to enforce in the same manner the claims of any other man; and not claims of debt merely, he may employ this barbarous expedient in any suit. What is still more extraordinary, even after legal process, even when the magistrate has pronounced a decision against him, and in favour of the person upon whom his claim is made, he may still sit in dherna, and by this dreadful mode of appeal make good his demand.[1]

We have now reviewed the great peculiarities of the Hindu law, in regard to those transfers of property which partake of the nature of exchange, and in which some sort of an equivalent is given and received; it remains for us to consider those, in which the property passes from one owner to another without any return.

[1] See an account of the practice of sitting in dherna, by Sir John Shore (Lord Teignmouth), Asiat. Researches, iv. 330 to 332. He tells us that, since the institution of the court of justice at Benares in 1783, the practice has been less frequent, but that even the interference of that court and of the resident had occasionally been unable to check it. He tells us, too, that some of the pundits, when consulted, declared the validity of the deed or concession extorted by dherna; but restricted that validity to such claims as are just: others denied its validity, except where the party confirmed the engagement after the coercion is withdrawn. But it is evident that these restrictions are inconsistent with the facts which Lord Teignmouth records, and are mere attempts of the pundits, according to their usual practice, to interpret their laws into as great a coincidence as possible with the ideas of the great persons by whom the questions are put to them. A regulation was made by the Bengal government in 1795 for preventing this practice. See papers, ordered to be printed by the House of Commons, 3d June, 1813, p. 431. See also Broughton's Mhratta Camp, p. 42.

BOOK II. CHAP. 4.

The most extensive class of this species of transactions are those occasioned by the death of the owner. Men had considerably strengthened the chain by which they were connected with property, before they ceased to consider death as the cause of a perfect separation, and as leaving their possessions free to the earliest occupier. A right of succession in the children suggests itself, however, at a very early period in the progress of civilization. It is recommended by so many motives, it so happily accords with some of the strongest impulses of human nature, and is so easily engrafted upon the previous order of things, that it could not fail to be an early institution. The children, being naturally the nearest to their parent at the moment of his death, were generally able to avail themselves of the right of occupancy, and to exclude other successors by prior possession. It was the usual arrangement in early stages of society, that the different members of a family should live together; and possess the property in common.[1] The father was rather the head of a number of partners, than the sole proprietor. When he died, it was not so much a transfer of property, as a continued possession; and the copartnership was only deprived of one of its members. The laws of inheritance among the Hindus are almost entirely founded upon this patriarchal arrangement.[2] When the father

[1] "Among barbarians in all parts of the world, persons who belong to the same family are understood to enjoy a community of goods. In those early ages, when men are in a great measure strangers to commerce or the alienation of commodities, the right of *property* is hardly distinguished from the right of *using* or *possessing*; and those persons who have acquired the joint-possession of any subject are apt to be regarded as the joint proprietors of it." Millar on the English government, i. 190.

[2] The whole too of that Title of law, "Concerns among partners," refers not so much to a joint-stock property, contributed by certain individuals for carrying on any particular business, as to the property of

dies, if the sons shall choose to live together, the eldest, says the law, shall take the station of the head of the family, and the property is held jointly in his name.[1] "For brothers a common abode is ordained so long as both their parents live. On failure of both their parents, partition among brothers is ordained."[2] Even during the life-time of the father, a separation of the family might take place, when a division of the property, according to the strict notion of a joint interest, was made, in the proportion of two shares to the father, and one share equally to each of the sons.[3] When the division, however, of the common estate is delayed till the death of the father, the elder brother, as the new head of the family, is distinguished in the partition. He first receives one twentieth of the inheritance, after which it is divided equally among all the brothers.[4] With a few immaterial exceptions, the principle of equal division guided succession among the Hindus. "Let the sons, after the death of the parents, equally share the assets. If all sons be equal

a number of persons, most commonly brothers or other near relations, who agree to live together, and to have all their effects in common. The multitude of the laws proves the frequency of the transactions.—The old law of inheritance among the Romans was altogether founded upon the same ideas. Fundamentum successionis veteris erat conservatio familiarum. Familia enim universitas quædam videbatur, cujus princeps est paterfamilias.—Quum ergo proximi in familia essent liberi vel sui heredes, tanquam vivo patre, quodammodo domini et αυτοκληρονομοι, legibus xii. tabularum cautum fuerat; SI INTESTATO MORITUR CUI SUUS HERES NEC ESCIT, AGNATUS PROXIMUS FAMILIAM HABETO. Heinec. in Inst. lib. iii. tit. i. sect. 690.

[1] Laws of Menu, ch. ix. 105.

[2] Colebrooke's Digest, part II. book V. ch. iii. sect. 114.

[3] Halhed's Gentoo Code, ch. ii. sect. 11. Colebrooke's Digest, part II. book V. ch. ii. Mr. Halhed has remarked that the demand of the prodigal son in the Gospel for his portion, affords proof of a similar state of things among the Jews. The attentive reader will perceive many other strokes of resemblance. All the more cultivated nations of Asia appear to have reached a stage of society nearly the same.

[4] Colebrooke's Digest, book V. ch. i. sect. 2, subsect. 34. Halhed's Gentoo Code, ch. ii. sect. 12.

BOOK II. CHAP. 4.

in good qualities, they must share alike; but he who is distinguished by science and good conduct shall take a greater share than the rest."[1] The last of these clauses affords an example of that vagueness and ambiguity, the source of endless dispute, which distinguishes the laws of all ignorant people, and which forms a most remarkable feature in those of Hindustan. What is the criterion to ascertain that superiority in science and virtue, which determines the share of brothers in the division of the paternal estate? Or who is to be the judge? Equally unskilful, and pregnant with evil, is the vague and indeterminate law which declares "that all those brothers who are addicted to any vice shall lose their title to the inheritance."[2] As the interpretation of the phrase, "addicted to any vice," may receive any latitude, according to the inclinations and views of the expounder, a gate is here thrown open to unlimited injustice. Inconsistency, and even direct contradiction, is a characteristic of the Hindu laws, which it does not appear to have been thought even requisite to avoid; as it is expressly enacted, that when two laws command opposite things, both are to be held valid.[3] This attribute is fully exemplified in the laws of inheritance. It is declared that, "on the failure of natural heirs, the lawful heirs are such Brahmens as have read the three Vedas, as are pure in body and mind, as have subdued their passions; and they must constantly offer the cake; thus the rites of

[1] Colebrooke's Digest, part II. book V. ch. 3, subsect. 115, 116, ch. i. sect. 2, subsect. 34.

[2] Laws of Menu, ch. ix. 214.

[3] "When there are two sacred texts, *apparently inconsistent*, both are held to be law, for both are pronounced by the wise to be valid and reconcileable. Thus in the Veda are these texts: Let the sacrifice be when the sun has arisen, and before it has risen, and when neither sun nor stars can be seen: The sacrifice therefore may be performed at any or all of those times." Ib. ii. 14, 15.

obsequies cannot fail."[1] Yet it is added, in the very next clause or sentence, "The property of a Brahmen shall never be taken as an escheat by the King; this is a fixed law; but the wealth of the other classes, on failure of all heirs, the king may take."[2] Not unfrequently in rude nations, as if one misfortune ought to be aggravated by another, those who labour under certain maladies, or bodily defects, are excluded from inheritance. This principle is fully adopted by the Hindus, and carried to an unusual, and monstrous extent. All those persons who are lame, all those persons who are blind, all those who are deaf, all those who are dumb, impotent, or affected with an incurable disease, as leprosy, marasmus, gonorrhœa, dysentery, are denied a share in the partition of their father's effects, and are only entitled to a maintenance from the family.[3] When a man has sons by wives of different castes, they inherit in the proportion of the mother's rank, and the son by a concubine is entitled only to one half of the share of him who is born of a wife.[4] The laws which define proximity of kin, and fix the order of collateral succession, are numerous, minute, and in nothing remarkable.[5] It is particularly to be noted

[1] Laws of Menu, ch. ix. 188. [2] Ib. 189.

[3] Colebrooke's Digest, part II. book V. ch. v. sect. 320, 321, 325, 329, 331. In Halhed's Gentoo Code they are thus enumerated; one born an eunuch, blind, deaf, dumb, without hand or foot, or nose, or tongue, or privy member or fundament, and one who has no principle of religion, as well as the victims of various diseases. Gentoo Code, ch. ii. sect. 5. The law is thus stated in the Institutes of Menu; eunuchs and outcasts, persons born blind or deaf, madmen, idiots, the dumb, and such as have lost the use of a limb, are excluded from a share of the heritage. But it is just, that the heir who knows his duty should give all of them food and raiment. Laws of Menu, viii. 201, 202.

[4] Laws of Menu, viii. 149, &c. Halhed's Gentoo Code, ch. ii. sect. 2. Colebrooke's Digest, part II. book V. ch. vii.

[5] The appearance of accuracy given by minuteness of detail has sometimes been quoted as a proof of refined knowledge; but it is a proof of

BOOK II. CHAP. 4.

that daughters are debarred from a share in the inheritance of their fathers.[1] The woman, indeed, among the Hindus, is so restricted in the means of acquiring property, that she is almost excluded from its rights.[2] The exceptions consist, in certain presents; what was given in the bridal procession; what was given in token of love; what was received from a brother, a mother, or a father: and this property is inherited by her daughters in equal portions with her sons. If she die without issue, her property falls to her husband or to her parents, and is subject to nearly the sames rules of collateral succession as are established in regard to the property of males.[3]

The idea of a joint interest in the property of the family, while it early established the right of succession in the children, served to exclude the right of devising by will. As the property belonged to the parent in common only with his offspring, it could not be regarded as just, that he should have the power of giving it away from them after his death. It is only

the very reverse. Henry tells us (Hist. of Britain, i. 320) that the laws of the Druids provided with great care for the equitable division of the effects of the family according to the circumstances of every case. The ancient laws of Wales descend to very long and particular details on this subject, and make provision for every possible case with the most minute exactness. Leges Wallicæ, lib. ii. de mulieribus, cap. i. p. 70. The refinement and niceties of the Mahomedan law of succession are perhaps still more remarkable. See Mahomedan law of succession, Works of Sir William Jones, iii. 467, and the Al Sirajiyyah, with Sir William's Commentary, Ib. 505. In fact, the want of skill to ascend to a general expression, or rule, which would accurately include the different ramifications of the subject, is that which gives occasion to this minuteness of detail.

[1] Those who are unmarried at the death of the father are directed to receive portions out of their brothers' allotments, Laws of Menu, ix. 118.

[2] Three persons, a wife, a son, and a slave, are declared by law to have in general no wealth exclusively their own: the wealth which they may earn is regularly acquired for the man to whom they belong." Ib. ch. viii. 416.

[3] Ib. ch. ix. 192 to 197. Colebrooke's Digest. part II. book V. ch. ix.

in stages of society, considerably advanced, that the rights of property are so far enlarged as to include the power of nominating, at the discretion of the owner, the person who is to enjoy it after his death. It was first introduced among the Athenians by a law of Solon, and among the Romans, probably, by the twelve tables.[1] The Hindus have, through all ages, remained in a state of society too near the simplicity and rudeness of the most ancient times, to have stretched their ideas of property so far. The power of disposing of a man's possessions, by testament, is altogether unknown to their laws.[2]

The same notion of a joint-title, in all the members of a family, to the property of the whole, had originally an effect even upon the power of donation. Individuals were not at liberty to alienate by gift any part of the common stock. This, however, is a right which is recommended by motives more powerful and frequent than that of disposal after death, and was therefore much sooner introduced. The first instances were probably sanctioned by religious pretexts. By the laws of the Visigoths it was permitted to make donations to the church; and by those of the Burgundians a free man was allowed, after dividing his means with his sons, to make an ecclesiastical donation out of his own portion.[3] Among the Hindus

[1] Kames's Historical Law Tracts, i. 162.

[2] Impressed, when I began to study the history and character of the Hindus, with the loud encomiums I had been accustomed to hear on their attainments, and particularly their laws; which were represented as indicating a high state of civilization; this fact, which is broadly stated by Mr. Halhed, (Preface to the Gentoo Code, p. liii.) very forcibly struck me. Rude as the Arabs were at the time of Mahomed, their ideas of property included the right of devising by will. See Koran, chap. v.

[3] Historical Law Tracts, i. 159. How like is this regulation of the Burgundians to the rules among the Hindus for division of property to the sons during the father's life time?

BOOK II. CHAP. 4.

the conferring of gifts upon the Brahmens, which is taught as one of the most important of religious duties, must have early familiarized the mind to gratuitous alienations; yet, notwithstanding this important circumstance, a man's power of transferring his property by gift appears subject still to extraordinary restrictions. Except in certain minor cases, the consent of his heirs is required. It is only over that part of his property which is more than sufficient to feed and clothe all his dependants, that he has an unlimited power of disposal.[1]

II. The second class of laws, those which relate to offences and their punishment, form a subject less complicated, and of less subtle and difficult disquisition, than those which relate to the distribution of rights; it is, however, a portion of law, which, from the violent interference of human passions, is not less slow in gaining improvement.

An offence is an act by which a right is violated. The object of punishment is to prevent such acts. It is employed, under the empire of reason, only as a last resource. If offences could be prevented without punishment, punishment ought never to exist. It follows, as a necessary consequence, that as little of it as possible ought to exist.

It is equally manifest, that it would be vain to establish rights, if the necessary means were not to be used for securing them. It is therefore good to make use of punishment, as far as necessary for the securing of rights; with this precaution only, that the suffering or evil, produced by the punishment, is less, upon the whole, than that which would arise from the violation of the right.

By these maxims, as criterions, we shall endeavour

[1] Halhed's Gentoo Code, ch. vii.

to ascertain the attributes of the criminal code of the Hindus.

The misery and disorder which overspread human life, wherever self-defence rests wholly upon the individual, are the cause to which government owes its origin. To escape from those evils, men transfer to the magistrate powers sufficient for the defence of all; and agree to expect from him alone that protection, which they obtained so imperfectly from their own exertions. In the rude and violent times when this revolution takes place, it is not from a just and cool discernment of the limits of defence, prevention, and reparation, that penalties are exacted. It is from the impulse of a keen resentment, that the sufferer pursues, and from a strong sympathy with that resentment, that the magistrate commonly judges and condemns. It is not so much security that is coveted, as revenge. A great injury committed can only be expiated by a great injury received. Two principles therefore universally characterize the penal code of a barbarous people; severity; and retaliation. The early laws of the Greeks and the Romans were cruel; the laws of the twelve tables, says Mr. Gibbon, like the statutes of Draco, were written in characters of blood.[1] By the laws of Moses, blasphemy, idolatry, profaning the sabbath, homicide, adultery, incest, rapes, crimes against nature, witchcraft, smiting or cursing father or mother, were punished with death, and with burning and stoning, the most cruel kinds of death.[2] Of the sanguinary character imprinted on the laws of the Egyptians, the following instance may be adduced: They thrust little pieces of reeds, about a finger's length, into all parts of the bodies of parri-

[1] Gibbon's History of the Decl. and Fall of the Roman Empire, ch. xliv.
[2] See the Books of Moses, passim.

BOOK II. CHAP. 4

cides; and then, surrounding them with thorns, set them on fire.[1] The barbarous punishments which prevail among the Chinese are too familiarly known to require illustration. Perhaps of all the rude nations of whom we have any account, our own Saxon and German ancestors were the most distinguished for the mildness of their punishments; a singularity, however, to be accounted for, by the use of a very barbarous expedient, a compensation in money for almost every species of crime. Yet in various instances, particularly that of theft, their laws were not only severe, but inhuman.[2]

Notwithstanding the mildness which has generally been attributed to the Hindu character, hardly any nation is distinguished for more sanguinary laws. "The cruel mutilations," says Sir William Jones,[3] "practised by the native powers, are shocking to humanity."

1 Diod. Sic. lib. i. p. 88.

2 Wilkins, Leg. Sax. p. 2 to 20. Mr. Turner, History of the Anglo-saxons, says, book XI. ch. viii. "The most popular of the legal punishments were the pecuniary mulcts. But as the imperfection and inutility of these could not be always disguised—as they were sometimes impunity to the rich, who could afford them, and to the poor who had nothing to pay them with, other punishments were enacted. Among these we find imprisonment, outlawry, banishment, slavery, and transportation. In other cases, we have whipping, branding, the pillory, amputation of limb, mutilation of the nose and ears, and lips, the eyes plucked out, hair torn off, stoning, and hanging. Nations not civilized have barbarous punishments."

3 Charge to the Grand Jury of Calcutta, Dec. 4, 1788, Sir Wm. Jones's Works, iii. 26. Of this feature of their laws, a few examples will impress a lively conception. "The most pernicious of all deceivers," says the law of Menu, "is a goldsmith who commits frauds; the king shall order him to be cut piecemeal with razors." Laws of Menu, ch. ix. 292. "Should a wife, proud of her family and the great qualities of her kinsmen, actually violate the duty which she owes to her lord, let the king condemn her to be devoured by dogs in a place much frequented; and let him place the adulterer on an iron bed well heated, under which the executioners shall throw logs continually, till the sinful wretch be there

Retaliation is another peculiarity which remarkably distinguishes the laws of that barbarous period, when the punishment of crimes is chiefly measured by the resentment of the sufferer.[1] Whatever the injury

burned to death." Ib. viii. 371, 372. "If a woman murders her spiritual guide, or her husband, or her son, the magistrate, having cut off her ears, her nose, her hands, and her lips, shall expose her to be killed by cows." Halhed's Gentoo Code, ch. xxi. sect. 10. "Of robbers, who break a wall or partition, and commit theft in the night, let the prince order the hands to be lopped off, and themselves to be fixed on a sharp stake. Two fingers of a cutpurse, the thumb and the index, let him cause to be amputated on his first conviction; on the second, one hand and one foot; on the third, he shall suffer death." Laws of Menu, ix. 276, 277. "A thief who, by plundering in his own country, spoils the province, the magistrate shall crucify, and confiscate his goods; if he robs in another kingdom he shall not confiscate his possessions, but shall crucify him. If a man steals any man of a superior caste, the magistrate shall bind the grass beena round his body, and burn him with fire; if he steals a woman of a superior caste, the magistrate shall cause him to be stretched out upon a hot plate of iron, and, having bound the grass beena round his body, shall burn him in the fire. If a man steals an elephant or a horse, excellent in all respects, the magistrate shall cut off his hand, and foot, and buttock, and deprive him of life. If a man steals an elephant or a horse of small account, or a camel or a cow, the magistrate shall cut off from him one hand and one foot. If a man steals a goat or a sheep, the magistrate shall cut off one of his hands. If a man steals any small animal, exclusive of the cat and the weasel, the magistrate shall cut off half his foot." Halhed's Gentoo code, ch. xvii. sect. 3. "If a man sets fire to the tillage or plantation of another, or sets fire to a house or to a granary, or to any uninhabited spot where there is much fruit or flowers, the magistrate, having bound that person's body in the grass beena, shall burn him with fire." Ib. xviii. "For boring the nostrils of cows belonging to priests, the offender shall instantly lose half of one foot. Laws of Menu, ch. viii. 325. The same system of mutilation prevailed in Persia. Xenophon, describing the Persian punishments, says, Πολλακις δ' ην ιδειν παρα τας ςειβομενας όδους, και ποδων, και χειρων, και οφθαλμων ςερυμενους ανθρωπους. Xenoph. Cyropæd. lib. i. p. 92. The common mode of hanging is thus described by an eye-witness: "A hook is fixed to one end of the rope, and this hook the executioner forces with all his strength into the flesh below the criminal's chin; he is then hoisted up, and the other end of the rope is made fast to the gallows." Bartolomeo's Travels, book II. ch. v. "If a magistrate has committed a crime, and any person, upon discovery of that crime, should beat and ill-use the magistrate, the magistrate shall thrust an iron spit through him and roast him at the fire." Halhed's Gentoo Code, ch. xvi. sect. 1.

1 "The inhuman and unequal principle of retaliation," says Mr. Gibbon, Hist. of Decl. and Fall of the Rom. Emp. ch. xliv.

BOOK II. CHAP. 4.

which the innocent man has sustained, a similar injury, by way of punishment, is imposed upon the guilty. Whatever the member, or part of his body, with which the offender committed the crime, upon that part is the chastisement inflicted. The Hebrew law of an eye for an eye, and a tooth for a tooth, is a familiar example of what occurred among other nations. The forfeit of limb for limb, and member for member, was, among the Romans, exacted by the law of the twelve tables, unless where the offender could expiate his crime by a fine of 300 pounds of copper. The earliest legislators of Greece were so rude as to leave the punishment of crimes, undefined, to the discretion of the judge; but Zaleucus, legislator of the Locrians, who first prescribed rules on this subject, enforced so literally the maxim of an eye for an eye, that it was deemed an important reform on his laws, when it was decreed that he who struck out the eye of a person with one eye should lose both his own.[1] The Egyptians extended the principle of punishing criminals in that part of the body which was chiefly instrumental in the guilt, to an extraordinary number of instances. He who discovered the secrets of the state had his tongue cut out; he who violated a free woman was made an eunuch; of those who counterfeited coin and seals either public or private, of those who made use of false weights and measures, and of public notaries who forged or mutilated deeds, the two hands were cut off; and calumniators were subjected to the same punishment which would have been due to those whom they falsely accused.[2] To how extraordinary a degree the spirit of retaliation moulds the penal legislation of the Hindus, a few

[1] Strabo, lib. vi. p. 398. Potter's Antiq. book I. ch. xxvi. Blackstone's Commentaries, book IV. ch. i.

[2] Diod. Sic. lib. i. p. 88, 89.

specimens will evince. The law concerning assault and battery, in the Institutes of Menu, thus commences: "With whatever member a low-born man shall assault or hurt a superior, even that member of his must be slit, or cut, more or less in proportion to the injury: this is an ordinance of Menu."[1] "If a man strikes a Bramin with his hand, the magistrate shall cut off that man's hand; if he strikes him with his foot, the magistrate shall cut off the foot; in the same manner, with whatever limb he strikes a Bramin, that limb shall be cut off; but if a Sooder strikes either of the three casts, Bramin, Chehteree, or Bice, with his hand or foot, the magistrate shall cut off such hand or foot."[2] "If a man has put out both the eyes of any person, the magistrate shall deprive that man of both his eyes, and condemn him to perpetual imprisonment, and fine him."[3] The punishment of murder is founded entirely upon the same principle. "If a man," says the Gentoo code, "deprives another of life, the magistrate shall deprive that person of life."[4] "A once-born man, who insults the twice-born with gross invectives, ought to have his tongue slit. If he mention their names and classes with contumely, as if he say, 'Oh thou refuse of Brahmens,' an iron style, ten fingers long, shall be thrust red-hot into his mouth. Should he through pride give instruction to priests concerning their duty, let the king order some hot oil to be dropped into his mouth and his ear."[5] "If a blow, attended with much pain, be given either to human creatures or cattle, the king shall inflict on the striker a punishment as heavy as the presumed

[1] Laws of Menu, ch. viii. 279. In a style characteristically Hindu, the following, among other cases, are specified; when a man spits on another, when he urines on him, and when he breaks wind on him. The penalties I choose not to describe. See the same chapter, 280 to 284.

[2] Halhed's Code of Gentoo Laws, ch. xvi. sect. 1. [3] Ib.

[4] Ib. [5] Laws of Menu, ch. viii. 270 to 273.

suffering."[1] "With whatever limb a thief commits the offence, by any means in this world, as if he break a wall with his hand or his foot, even that limb shall the king amputate, for the prevention of a similar crime."[2] "A mechanic or servile man, having an adulterous connexion with a woman of a twice-born class, if she was unguarded, shall lose the part offending, and his whole substance."[3] "The breaker of a dam to secure a pool, let the king punish by long immersion under water."[4] The portion of suffering, sufficient to constitute a motive for abstaining from the crime, is all the punishment which reason authorizes; but we see nations far advanced in civilization so tardy in recognizing this principle, that the excess of suffering, produced by the law of retaliation, would not, it is probable, suggest to nations, at a very early stage of civilization, the utility of repealing it. Yet no maxim more naturally recommends itself to the human mind, even before it is strong, than that all who commit the same crime should meet with equal punishment; and it requires a very slight degree of reflection to see, that when the hand or the foot is cut off from one man, the punishment may be a very moderate one; when the same limb is cut off from another man, to whose subsistence it is essential, the penalty may far exceed a sentence of death.

In another class of punishments, where the principle of equality may be still more easily applied, the grossness of the violation excites considerable surprise. As among our Saxon ancestors, so among the Hindus, fines bear a very large proportion to other punishments. When reparation to the party injured should be made by the author of the wrong, the pecuniary ability of the party on whom the obligation falls can

[1] Laws of Menu, ch. viii. 286. [2] Ib. 334. [3] Ib. 374. [4] Ib. ix. 279.

no more be regarded, than where he owes a debt. But in so far as it is the object of the law to create a motive against the occurrence of a like offence; or even to take vengeance, to inflict pain purely because pain has been occasioned; in so far it is one of the plainest dictates of reason, that where the offence is equal, the suffering or hardship imposed should be equal. Though a pecuniary mulct imposes all degrees of hardship, according to the pecuniary abilities of the man who pays, the Hindu law makes no distinction between the rich and the poor.[1] It makes, indeed, a serious distinction between the man of one class, and another: and they of the lowest are, with a very few exceptions, always the most severely fined. But if the class is the same, the same forfeit is exacted for the same offence; though one man should be too opulent to feel from it any sensible inconvenience; another should suffer all the pains and horrors of want.

From the classification of the people, and the privileges of the castes, we are prepared to expect, among the Hindus, inequalities created by distinctions of rank. They relate either to the crimes committed *against* persons of the different ranks, or the crimes committed *by* them. Inequalities of the first sort, it is found difficult to avoid even in high stages of civilization. At present, in the best governed countries of Europe, an injury done to a nobleman is treated as a crime of a deeper die, than a similar injury to a person of the lowest rank.[2] If the laws

[1] There is in one passage of Menu, ch. viii. 126, an incidental exhortation to the judge, not to be regardless of the ability of the sufferer in the infliction of corporal or other punishment; and it is impossible but some regard must have been paid to it in practice: but defined sums are in almost all cases affixed to specific crimes, without the smallest reference to the ability of the payer.

[2] The *orthodox* judge, Blackstone, as Mr. Gibbon very *significantly*

BOOK II. CHAP. 4.

should make no distinction in principle, the power of the nobleman to bring the offender to trial, and to command the partiality of the judge, would long make a very essential difference in practice. When the Hindu law, therefore, makes a gradation in the criminality of the same action, according as it is committed against the Brahmen, the Cshatriya, the Vaisya, and the Sudra, it is only the excess in the difference of punishment, which is calculated to excite our surprise. With regard to offences committed *by* individuals of the different ranks, it is rare, even among the rudest people, to find the principle of unequal punishments, expressly avowed; and comparative impunity granted by law to the crimes of the great. Perjury, fraud, defamation, forgery, incest, murder, are not among us reckoned crimes more venial in the lord than in his servant. Among the Hindus, whatever be the crime committed, if it is by a Brahmen, the punishment is in general comparatively slight; if by a man of the military class, it is more severe; if by a man of the mercantile and agricultural class, it is still increased; if by a Sudra, it is violent and cruel. For defamation of a Brahmen, a man of the same class must be fined 12 panas; a man of the military class, 100; a merchant, 150 or 200; but a mechanic or servile man is whipped.[1] The general principle on which the penalties for this crime seem to be regulated is, that whatever fine is exacted from a man of the same class by whom you have been

denominates him, (See Hist. Decl. and Fall, &c. ch. xliv. n. 145) is quite an advocate for the superior criminality of an injury to a man of a superior rank. "If a nobleman strikes a peasant," says he, "all mankind will see, that, if a court of justice awards a return of the blow, it is more than a just compensation. The execution of a needy, decrepid assassin, is a poor satisfaction for the murder of a nobleman, in the bloom of his youth, and full enjoyment of his friends, his honours, and his fortune." Commentaries on the Laws of England, book IV. ch. i.

[1] Laws of Menu, ch. viii. 269, 267.

accused, one only half as large should be imposed upon the man of a superior class, but one double in magnitude, should the caste of the slanderer be inferior to your own. For all the more serious accusations against any of the superior orders, the punishment of the Sudra is far more dreadful.[1] That the scale of punishment for crimes of assault is graduated by the same rule, the following instance, out of many, will evince. "If a man of a superior cast and of superior abilities to another should strike him with a weapon, the magistrate shall fine him 500 puns of cowries. If a man of an equal cast and of equal abilities with another should strike him with a weapon, the magistrate shall fine him 1000 puns of cowries. If a man of an inferior cast and of inferior abilities to another should strike him with a weapon, the magistrate shall fine him 3000 puns of cowries."[2] For perjury, it is only in favour of the Brahmen, that any distinction seems to be admitted. "Let a just prince," says the ordinance of Menu, "banish men of the three lower classes, if they give false evidence, having first levied the fine; but a Brahmen let him only banish."[3] The punishment of adultery, which on the Brahmens is light, descends with intolerable weight on the lowest classes. In regard to the inferior cases of theft, for which a fine only is the punishment, we meet with a curious exception, the degree of punishment ascending with the class. "The fine of a Sudra for theft shall be eight fold; that of a Vaisya, sixteen fold; that of a Cshatriya, two and thirty fold; that of a Brahmen, four and sixty fold, or a hundred fold complete, or even twice four and sixty fold."[4] No corporal punishment, much less

[1] Code of Gentoo Laws, ch. xv. sect. 2. Vide supra, p. 166.

[2] Ib. xvi. sect. 1.

[3] Laws of Menu, ch, viii. 123.

[4] Ib. 337, 338.

BOOK II. CHAP. 4.

death, can be inflicted on the Brahmen for any crime. "Menu, son of the Self-existent, has named ten places of punishment, which are appropriated to the three lower classes; the part of generation, the belly, the tongue, the two hands; and fifthly, the two feet, the eye, the nose, both ears, the property; and, in a capital case, the whole body; but a Brahmen must depart from the realm unhurt in any one of them."[1]

Punishment should be proportioned, not to the greatness of the crime, that is, the quantity of suffering it produces, but solely to the difficulty of creating an adequate motive to abstain from it: if a fine of one shilling created a sufficient motive to abstain from the crime of murder, the fine of a shilling would be all the punishment which ought to exist. It must be owned, however, that the principle of punishing crimes, according to their magnitude, very naturally suggests itself; and bears a strong appearance of according with the principles of reason. Even to this early and imperfect principle, the Hindus have never ascended. While perjury, one of the most mischievous of crimes, and one against which an adequate motive is very difficult to create, is punished only with fine, and, in its most aggravated cases, with banishment, the crime of obtaining goods on false pretences is punished with mutilation, and even with death. "If a person steals a man of an inferior cast, the magistrate shall fine him 1,000 puns of cowries: If he steals an elephant or a horse excellent in all respects, the magistrate shall cut off his hand, and foot, and buttock, and deprive him of life."[2] The following places of the body are enumerated; the

[1] Laws of Menu, ch. viii. 124, 125.
[2] Halhed's Gentoo Code, ch. xvii. sect. 3.

ear, the nose, the hand, the foot, the lip, the eye, the tongue, and some others; upon any one of which a stroke, such as to separate or cut them off from the body, is punished equally;[1] yet surely there is no comparison between the injury of depriving a man of his ear, for example, and of his tongue, or his hand. An amour with a woman of the Brahmenical caste is more dreadfully punished than parricide. Various cases of theft and robbery are accounted worthy of more shocking penalties than murder. Even Sir William Jones is constrained to say that the punishments of the Hindus "are partial and fanciful, for some crimes dreadfully cruel, for others reprehensibly slight."[2]

The principal acts erected into punishable offences by the Hindu law are, false witness, defamation, assault, theft, outrage, adultery. The species and degrees of perjury are thus distinguished: "If a witness speak falsely through covetousness, he shall be fined 1,000 panas; if through distraction of mind, 250; if through terror, 1,000; if through friendship, the same; if through lust, 2,500; if through wrath, 1,500; if through ignorance, 200 complete; if through inattention, 100 only."[3] The laws against reproachful expressions are numerous, and the penalties remarkably severe; a pretty satisfactory proof that the Hindus have always been abusive; as we find they continue to the present day.[4] By the term Assault, are indicated the smaller instances of per-

[1] Halhed's Gentoo Code, ch. xvi. sect. 1.

[2] Preface to the Translation of the Institutes of Menu, Sir Wm. Jones's Works, iii. 62.

[3] Laws of Menu, ch. viii. 120, 121. Where the language of the text specifies the fine by naming it technically in the order of amercements, I have stated the sum, that the reader might see at a glance the proportions.

[4] See the Chapter on *Manners*.

BOOK II. CHAP. 4.

sonal offence and injury; on which the laws of the Hindus descend to the most minute distinctions and details. In this they present a remarkable agreement with the laws of our Gothic ancestors. Lord Kaimes, observing upon the ancient European mode of satisfying for injuries by money, remarks, that "the laws of the Burgundians, of the Salians, of the Almanni, of the Bavarians, of the Ripuarii, of the Saxons, of the Angli and Thuringi, of the Frisians, of the Langobards, and of the Anglo-saxons, are full of these compositions, extending from the most trifling injury to the most atrocious crimes. In perusing the tables of these compositions, which enter into a minute detail of the most trivial offences, a question naturally occurs, why all this scrupulous nicety of adjusting sums to delinquencies? Such a thing is not heard of in later times. But the following answer will give satisfaction:—That resentment, allowed scope among Barbarians, was apt to take flame by the slightest spark; therefore, to provide for its gratification, it became necessary to enact compositions for every trifling wrong, such as at present would be the subject of mirth rather than of serious punishment: for example, where the clothes of a woman, bathing in a river, are taken away to expose her nakedness, and where dirty water is thrown upon a woman in the way of contumely."[1] The following orders of crime, in the Hindu code, present a similar, and a very remarkable picture; 1. Throwing upon the body of another, dust, or sand, or clay, or cow-dung, or any thing else of the same kind, or striking with the hand or foot; 2. Throwing upon the body tears, or phlegm, or the paring of one's nails, or the gum of the eyes, or the wax of the ears, or the refuse of victuals, or spittle;

[1] Historical Law Tracts, i. 49, 50.

3. Throwing upon another from the navel downwards to his foot, spue, or urine, or ordure, or semen; 4. Throwing upon another, from the navel upwards to beneath the neck, any of the substances mentioned in the last article; 5. Throwing upon another any of the same substances from the neck upwards; 6. Assaulting with a stone, or with a piece of iron or wood; 7. Hauling by the foot, or by the hair, or by the hand, or by the clothes; 8. Seizing and binding another in a cloth, and setting one's foot upon him; 9. Raising up an offensive weapon to assault; 10. Striking with a weapon. In all these cases a further distinction is made, as the offence is committed by a superior, an inferior, or an equal, and committed against a man or a woman. The gradations too of wounds are curiously specified; 1. When no blood is shed; 2. When a little blood is shed; 3. When much blood is shed; 4. When a very great quantity; 5. When a bone is broke as well as blood is shed; 6. When a member or organ is struck off or separated.[1] Under the title theft, the Hindus include the various species of frauds. In all nations which have made but the first step in civilization; when the means of protecting property are very imperfectly known, and covetousness is a furious passion; the depredations of thieves are always punished with extreme severity. In the Gothic nations of Europe, when the murder even of the King inferred but a pecuniary composition, theft was punished by mutilation and death.[2] In the same manner, among the Hindus, while murder is punished by the mere loss of life, some of the most atrocious instances of the cruelty of the Hindu laws

[1] See the Article Assault in the Code of Gentoo Laws, ch. xvi. sect. 1. Laws of Menu, ch. viii. 279 to 301.

[2] See Kames's Historical Law Tracts, i. 63, and the authorities there quoted.

BOOK II. CHAP. 4.

were drawn as above from the punishments awarded to theft.[1] The minor cases of theft are punished by fines, and by various degrees of mutilation; but the higher species, by impaling, by burning alive, and by crucifixion. By Outrage; which is sometimes denominated violence, sometimes robbery; are designated, all attacks, accompanied with violence, upon either property or person, including even murder. While the inferior species are punished by fine and by mutilation, the higher are punished by death; and some of the more heinous kinds of spoliation are avenged with all the sanguinary fury which, among the Hindus, has dictated the higher penalties of theft.[2] Adultery is a very complicated subject. In the Hindu language it includes every unlawful species of sexual indulgence, from the least, to the most, injurious, or offensive. If the laws are any proof of the manners of a people, this article affords indication of one of the most depraved states of the sexual appetite. Almost all the abuses, and all the crimes which it is possible to conceive, are there depicted with curious exactness; and penalties are devised and assigned for every minute diversity and refinement, as for acts the most frequent and familiar. There are even titles of sections in the code which cannot be transcribed with decency, and which depict crimes unknown to European laws.[3] According to the ge-

[1] Supra, p. 218, 219.

[2] Laws of Menu, ch. viii. 344 to 348. Code of Gentoo Laws, ch. xviii.

[3] Mr. Halhed makes so curious an apology for this article in his preface to the Code of Gentoo Laws, p. lxiii. that I am tempted to transcribe it: "The nineteenth and twentieth chapters," says he, "present us a lively picture of Asiatic manners, and in them a strong proof of their originality. To men of liberal and candid sentiments, neither the grossness of the portrait nor the harshness of the colouring, will seem improper or indecent, while they are convinced of the truth of the resemblance; and if this compilation does not exhibit mankind as they might have been, or as they ought to have been, this answer is plain, 'Because it paints

neral practice of Eastern nations, among whom an extraordinary value is set on the chastity of the women, its more aggravated violations are punished by the most shocking death which human cruelty has probably devised, that of burning on a heated plate of iron. The ramifications of criminality are also pursued to the most minute and trivial acts, and such as, even in the most jealous nations of Europe, would be held perfectly innocent: "He, who talks with the wife of another man at a place of pilgrimage, in a forest or a grove, or at the confluence of rivers, incurs the guilt of an adulterous inclination: to send her flowers or perfumes, to sport and jest with her, to touch her apparel and ornaments, to sit with her on the same couch, are all held adulterous acts

them as they were.'—Vices, as well as fashions, have their spring and their fall, not with individuals only, but in whole nations, when one reigning foible for a while swallows up the rest, and then retires in its turn to make room for the epidemic influence of a newer passion. Wherefore, if any opinions, not reconcileable to our modes of thinking, or any crimes not practised, and so not prohibited among us, should occur in these chapters, they must be imputed to the different effects produced on the human mind by a difference of climates, customs, and manners, which will constantly give a particular turn and bias to the national vices.—Hence it would be a weak and frivolous argument for censuring the fifth section of this nineteenth chapter, to object that it was levelled at an offence absurd in itself, not likely to be frequent, or, supposing it frequent, still to be deemed of trivial consequence; and to make this objection merely in consideration that the offence may not be usual among us, and has certainly never been forbidden by our legislature, such cavils would betray a great ignorance of the general system of human nature, as well as of the common principles of legislation; for penal laws (except for the most ordinary crimes) are not enacted until particular instances of offence have pointed out their absolute necessity; for which reason parricide was not specified among the original institutes of the celebrated lawgiver of Sparta. Hence we may with safety conclude, that the several prohibitions and penalties of this fifth section were subsequent to, and in consequence of, the commission of every species of enormity therein described."—Mr. Halhed here maintains, with very cogent reasons, though rather an unskilful style, that the Hindu morals are certainly as gross as the Hindu laws; that the latter grossness is, in fact, the result of the former.

BOOK II. CHAP. 4.

on his part."[1] Of all crimes, indeed, adultery appears, in the eyes of Hindu lawgivers, to be the greatest; and worthy of the most severe and terrible chastisement. The offences committed with the women of the higher classes by men of the lower are the acts which are looked upon as of greatest atrocity, and which rise in criminality, as the classes recede from one another, till they arrive at last at the adultery of a man of the servile with a woman of the priestly caste; a point beyond which, it is supposed, that human guilt and depravity cannot proceed.[2]

III. The fulfilment of the laws of the two preceding orders; denominated, for want of better terms, the Civil, and the Penal; is the End; the laws of Judicature are to be regarded in the light of Means to that End. The subject, in its full extent, includes an account of 1. the instruments made use of for producing the fulfilment of the laws of the two former kinds, and 2. the modes of using them.

The instruments made use of among the Hindus, have been already described, in giving an account of the functions of the king; who, with his Brahmen assessors, is the principal instrument. The mode of using the instruments of judicature, or the steps according to which judicature is performed, were there also briefly described. Of the matters which remain, the laws or rules respecting evidence form the only part which it is still useful to represent.

Prior to the general use of writing, the chief species of evidence, applicable to judicial cases, is the speech of witnesses. It is this species which makes the principal figure in the laws of Hindustan to the present age. It is even more than doubtful whether written

[1] Laws of Menu, ch. viii. 356, 357.

[2] Ib. 352 to 386. Code of Gentoo Laws, ch. xix.

evidence is at all referred to by the author of the ordinances of Menu; though from himself we learn that writing had been applied to laws.[1] "On the denial," says the law, "of a debt which the defendant has in court been required to pay, the plaintiff must call a witness who was present at the place of the loan, or produce other evidence;"[2] the gloss of Culluca adds, "a note and the like:"[3] but for the use of evidence by writing not a single rule is afterwards adduced, though numerous rules are prescribed for the use of that which is delivered in speech; not even a word of allusion to this novel species of evidence appears; and where the various circumstances are enumerated on which the attention of the judge ought to be fixed, while the evidence of speaking witnesses occupies a conspicuous place, the evidence of writings is entirely omitted.[4] In the compilations, however, of recent times, as in that made by order of Mr. Hastings and translated by Halhed, the use of written evidence appears; but even there it is treated with a negligence and slightness due to a matter of subordinate importance.

Among the rules for evidence at the lips of witnesses, some are reasonable and good; others are not only the reverse, but indicate a state of ignorance and barbarism. The evidence of three witnesses is required for the decision of any question: "When a man has been brought into court by a suitor for property, the cause shall be decided by the Brahmen who represents the king, having heard three witnesses at

[1] Laws of Menu, ch. viii. 3. [2] Ib. 52. [3] Ib.

[4] "Let him fully consider the nature of truth, the state of the case, and his own person; and next, the witnesses, the place, the mode and the time." Ib. 45. From these circumstances it is probable that the emendation of the commendator has been added from the more enlarged knowledge of later times.

least."[1] Yet it is declared in another place that "one man, untainted with covetousness, may (*in some cases,* says the gloss of Culluca) be the sole witness."[2] This apparent contradiction may perhaps be explained by a passage in the Code of Gentoo Laws, where the decision of a cause by the testimony of a single witness is made to depend upon the consent of the litigants.[3] Even from this rule the following cases are excepted: "Supposing," says the law, "a person to lend another money secretly, or secretly to entrust his money to the care of another, in such affairs one single person is a sufficient witness."[4] The different degrees of trustworthiness in different witnesses leads to mischievous rules. "Married housekeepers, men with male issue, inhabitants of the same district, either of the military, the commercial, or the servile class, are competent, when called by the party, to give their evidence."[5] The most fanciful distinction surely that ever was made by an uncultivated mind, is that between the father of male and the father of female offspring, as a source of evidence. The persons held incompetent to bear witness are a very numerous class. "Those must not be admitted who have a pecuniary interest; nor *familiar* friends; nor menial servants; nor enemies; nor men formerly perjured; nor persons grievously diseased; nor those, who have committed heinous offences. The king cannot be made a witness, nor cooks and the like mean artificers; nor public dancers and singers; nor a priest of

[1] Laws of Menu, ch. viii. 60. The same law is stated still more generally and absolutely, in the Gentoo Code, ch. iii. sect. 8.

[2] Laws of Menu, ch. viii. 77.

[3] Halhed's Gentoo Code, ch. iii. sect. 8. "If the plaintiff or defendant, at their own option, appoint a single person only, not fraudulently inclined, &c. he may be a witness."

[4] Ibid.

[5] Laws of Menu, ch. viii. 62.

deep learning in Scripture; nor a student of the Vedas; nor an anchoret secluded from all worldly connexions; nor one wholly dependant; nor one of bad fame; nor one who follows a cruel occupation; nor one who acts openly against the law; nor a decrepit old man; nor a child; nor a wretch of the lowest mixed class; nor one who has lost the organs of sense; nor one extremely grieved; nor one intoxicated; nor a madman; nor one tormented with hunger or thirst; nor one oppressed by fatigue; nor one excited by lust; nor one inflamed by wrath; nor one who has been convicted of theft."[1] Among the persons excluded from the rank of witnesses are the female sex entirely; unless in the case of evidence for others of the same sex. Servants, too, mechanics, and those of the lowest class, are allowed to give evidence for individuals of the same description.[2] Brahmens and the king are exempted from the obligation of giving evidence, by way of privilege, though the Brahmens are admitted when they please.[3]

This enumeration of persons, whose testimony was altogether unfit to be believed, affords a proof of the great difficulty of obtaining true testimony in the age in which it was made; and holds up a dreadful picture of the state of morality to which it could be supposed to be adapted. It indicates, also, by the strange diversity of the cases which it includes, a singular want of discrimination, in the minds by which it was framed. And further; rules for the exclusion of testimony, from any person, not deprived of the ordinary exercise of the human faculties, could, however the vicious effects of custom may preserve them, be introduced, only in an age of great ignorance and barbarity, when the human mind judges in the gross,

[1] Laws of Menu, ch. viii. 64 to 67. [2] Ib. 68. [3] Ib. 69, 70, 71.

BOOK II. CHAP. 4.

is incapable of nice discriminations, cannot assign the different value which ought to be attached to the testimony of different men, and estimates the weight of a body of evidence by the number, not the trustworthiness, of the people who deliver it.

The introduction of rules for the exclusion of evidence marks the age of false refinement, which is that of semibarbarism, intermediate between the age of true wisdom, and that of primeval ignorance. When the first judges, or arbiters, the heads of families, had to clear up any dispute, they called before them every individual of the little community or family, who appeared to know any thing of the matter, and questioned them all; allowing to the statements, extracted from each, the influence, much or little, or none at all, to which they seemed entitled; and this is the course, which true wisdom would recommend. In an age, however, of false refinement, which aims at excessive accuracy, but, failing in comprehensiveness, applies its rules to only part of a subject, when they should include the whole, the makers of laws, perceiving that certain classes of witnesses were apt to give false testimony, and considering that false testimony misleads, resolved immediately that the testimony of such witnesses ought never to be received. Now, if the testimony of the best sort of witness had been a thing which the judges always had at command, in sufficient quantity, this might have been a rational procedure. But as this was very far from being the case; as it very often happens that the testimony of the best sort of witnesses cannot be had, or that they contradict one another; that not only some light, but full and satisfactory light, may often be obtained from the worst sort of witnesses; to determine that certain classes of persons, and among them the persons whose knowledge of the facts is naturally

the most complete, shall not be used as witnesses, is merely to determine that judicature shall be performed, so far, without evidence; that the judge shall decide without knowledge; and the question of right or wrong, instead of being determined upon all the evidence that can be had, shall be determined upon a part of it only, sometimes a most insignificant part, sometimes hardly any at all.[1]

One of the strongest characteristics of a rude age, or of a corrupt government, is, to make laws which cannot, or ought not, to be executed; and then to give dispensations from them. "In all cases of violence, of theft and adultery, of defamation and assault," says the Hindu law, "the judge must not examine too strictly the competence of witnesses."[2]

A presumption, of the very weakest kind, is admitted as a full proof, in the following passages: "If a man brings a suit against another, saying, I have

[1] "If," says Mr. Hume, "the manner of punishing crimes among the Anglosaxons appear singular, the proofs were not less so: and were also the natural result of the situation of those people. Whatever we may imagine concerning the usual truth and sincerity of men who live in a rude and barbarous state, there is much more falsehood, and even perjury, among them, than among civilized nations: Virtue, which is nothing but a more enlarged and more cultivated reason, never flourishes to any degree, nor is founded on steady principles of honour, except where a good education becomes general; and where men are taught the pernicious consequences of vice, treachery, and immorality. Even superstition, though more prevalent among ignorant nations, is but a poor supply for the defects in knowledge and education: Our European ancestors, who employed every moment the expedient of swearing on extraordinary crosses and reliques, were less honourable in all engagements than their posterity, who, from experience, have omitted those ineffectual securities. This general proneness to perjury was much increased by the usual want of discernment in judges, who could not discuss an intricate evidence, and were obliged to number, not weigh, the testimony of witnesses." History of England, Appendix I.

This subject will, one day, when the papers of Mr. Bentham are produced, be presented to the world, in all the light which full knowledge, a minute analysis, and philosophy, can bestow upon it.

[2] Menu, ch. viii. 72.

BOOK II. CHAP. 4.

lent you several articles, and the person answers, I never received one of the articles you mention; in that case, if the plaintiff proves any one of all the articles claimed, to be in the defendant's possession, the magistrate shall cause the whole so claimed to be restored."[1] In cases of infinitely greater importance the same deceitful rule is applied. "If a man hath accused another of the murder of a man, or of a robbery, or of adultery, and should say, You have in several places been guilty of these crimes, and the defendant denies the accusation; in such a case, if the accuser can prove upon the other the commission of any one of these crimes, it shall be a proof of the whole complaint."

Of all the perverse proceedings of a superstitious mind, which the history of rude nations presents to us, few will be found more at variance with reason, than the establishment of the following law: "The witness, who has given evidence, and to whom within seven days after, a misfortune happens from disease, fire, or the death of a kinsman, shall be condemned to pay the debt and a fine."[2]

Though there is no ground on which the infirmities of the human mind are more glaring, and more tenacious of existence, than that of law, it is probable that the annals of legislative absurdity can present nothing which will match a law for the *direct* encouragement of perjury. "Whenever," says the ordinance of Menu, "the death of a man, who had been a grievous offender, either of the servile, the commercial, the military, or the sacerdotal class, would be occasioned by true evidence, from the known rigour of the king, even though the fault arose from inad-

[1] Code of Gentoo Laws, ch. iii. sect. 6, p. 107.
[2] Laws of Menu, ch. viii.

vertence or error, falsehood may be spoken: it is even preferable to truth."[1] What a state of justice it is, in which the king may condemn a man to death, for inadvertence or error, and no better remedy is found than the perjury of witnesses? "Whenever a true evidence would deprive a man of his life, in that case, if a false testimony would be the preservation of his life, it is allowable to give such false testimony. If a marriage for any person may be obtained by false witness, such falsehood may be told. If a man by the impulse of lust tells lies to a woman, or if his own life would otherwise be lost, or all the goods of his house spoiled, or if it is for the benefit of a Brahmen, in such affairs falsehood is allowable."[2]

The laws respecting written evidence are few, and applied to a very limited number of cases. One distinction is recognized. "A writing," says the law, "is of two sorts; first, that which a man writes with his own hand; second, that which he procures to be written by another: of these two sorts, that which is written by a man's own hand, even without witnesses, is approved; and that written by another, if void of witnesses, is not approved."[3] The remaining rules apply, almost entirely, to the modes of supplying, by means of the oral, what is at any time defective in the quantity or quality of the matter drawn from the scriptural source.[4]

Notwithstanding the diversities of appearance

[1] Laws of Menu, ch. viii. sect. 104.

[2] Halhed's Gentoo Code, ch. iii. sect. 9.

[3] Ib. 6.

[4] We know that grants of land by their princes were made in writing; and sunnuds, pottahs, and other writings, of legal import are numerous in modern times. That so little of them is indicated in the more ancient books of law, implies a ruder period of society; though, doubtless, we cannot be sure of their being as destitute of legal writings as the few, which we possess, of their ancient monuments would give reason to suppose.

BOOK II. CHAP. 4.

which, in different ages and countries, human nature puts on, the attentive observer may trace in it an astonishing uniformity with respect to the leading particulars which characterize the different stages of society; and often a surprising coincidence in particular thoughts and observances. The trials by ordeal, in the dark ages of modern Europe; when the decision of the most important questions was abandoned to chance or to fraud; when carrying in the hand a piece of red hot iron, or plunging the arm in boiling water, was deemed a test of innocence; and a painful or fraudulent experiment, supplanting a righteous award, might consign to punishment the most innocent, or save from it the most criminal of men; have been deemed a shocking singularity in the institutions of our barbarous ancestors. This species of evidence holds a high rank in the institutes of the Hindus. There are nine different modes of the trial by ordeal; 1. by the balance; 2. by fire; 3. by water; 4. by poison; 5. by water in which an idol has been washed; 6. by rice; 7. by boiling oil; 8. by red hot iron; 9. by images. The first of these, by the balance, is thus performed. The party accused is placed in the scale, and carefully weighed; after which, he is taken down, the pundits write the substance of the accusation on a piece of paper, and bind it on his forehead. At the end of six minutes he is weighed again, when, if lighter than before, he is pronounced innocent; if heavier, guilty. In the second ordeal, an excavation in the ground, nine hands long, two spans broad, and one span deep, is filled with a fire of pippal wood, into which the party must walk barefooted; proving his guilt, if he is burned; his innocence, if he escapes unhurt. The third species is rather more complicated: the person accused is made to stand in water up to his navel, with a Brahmen by

BOOK II. CHAP. 4.

his side; a soldier then shoots three arrows from a bow of cane, and a man is dispatched to bring back that which was shot the farthest; as soon as he has taken it up, another man is directed to run from the brink of the water, and at the same instant the party under trial must plunge into it, grasping the foot or the staff of the Brahmen who stands by him: if he remains under the water till the two men with the arrows return, he is innocent; if he comes up, he is guilty. The fourth kind, by poison, is performed two ways: either the party swallows a certain quantity of a poisonous root, and is deemed innocent if no injury ensues; or a particular species of hooded snake is thrown into a deep earthen pot, and along with it a ring, a seal, or a coin. If the man, putting down his naked hand, cannot take this out, unbitten by the serpent, he is accounted guilty. The accused, in the fifth species, is made to drink three draughts of the water in which the images of the sun and other deities have been washed; and if within fourteen days he has any indisposition, his crime is considered as proved. When several persons are suspected of theft, they chew, each, a quantity of dried rice, and throw it upon some leaves or bark of a tree; they from whose mouth it comes dry, or stained with blood, are deemed guilty: This is the sixth species of ordeal. In the seventh, a man thrusts his hand into hot oil; and in the eighth he carries an iron ball, or the head of a lance, red hot in his hand; receiving his sentence of innocence or guilt according as he does or does not come off with impunity. The ninth species is literally a casting of lots: two images of the gods, one of silver, and one of iron, are thrown into a large earthen jar; or two pictures of a deity, one on white, and the other on black cloth, are rolled up in cow-dung, and thrown into a jar: if the man,

BOOK II. CHAP. 4.

on putting in his hand, draws out the silver image, or the white picture, he is deemed innocent; if the contrary, guilty. The religious ceremonies with which these trials are performed it would be tedious and unprofitable to relate.[1]

The qualities desirable in a BODY OF LAW may all be summed up under two comprehensive titles; I. *Completeness;* II. *Exactness.*

Completeness has a reference to the matter: *Exactness* to the form.

I. A body of laws may be said to be *Complete*, when they include every thing which they ought to include; that is, when all those rights, the existence of which is calculated to improve the state of society, are created; and all those acts, the hurtfulness of which to the society is so great as to outweigh the cost, in all its senses, necessary for preventing them, are constituted offences.

II. A body of laws may be said to be *Exact;* 1. when it constitutes nothing a right, and nothing an offence, except those things precisely which are necessary to render it *Complete;* 2. when it contains no extraneous matter whatsoever; 3. when the aggregate of the powers and privileges which ought to be

[1] For a full account both of the law and the practice respecting the trial by ordeal, see a discourse "On The trial by Ordeal among the Hindus, by Ali Ibrahim Khan, chief magistrate at Benares," in the Asiat. Researches, i. 389. See too the Institutes of Menu, ch. viii. 114, 115, 190; Mr. Halhed's Code of Gentoo Laws, ch. iii. sect. 6, ch. ii. sect. 15, ch. xvii. sect. 4, ch. xviii., and the Translator's preface, p. 55, 56. Dr. Buchanan informs us of a shocking species of ordeal in use, in some places, in regard to those, "who, having had sexual intercourse with a person of another cast, allege that it was by mistake. If the criminal be a woman, melted led is poured into her private parts; if it be a man, a red hot iron is thrust up. Should they be innocent it is supposed that they will not be injured." Journey through the Mysore, Canara, and Malabar, under the orders of Marquis Wellesley, i. 307. According to Kœmpfer, the Japanese too use a species of ordeal for the discovery of guilt: History of Japan, ch. v. 236.

constituted rights, the aggregate of the acts which ought to be constituted offences, are divided and subdivided into those very parcels or classes, which beyond all others best adapt themselves to the means of securing the one, and preventing the other; 4. when it defines those classes, that is, rights and offences, with the greatest possible clearness and certainty; 5. when it represses crimes with the smallest possible expense of punishment; and 6. when it prescribes the best possible form of a judicatory, and lays down the best possible rules for the judicatorial functions.

To show in what degree the Hindu law approaches, or recedes from, the standard of *Completeness*, would require a more extensive survey of the field of law, than consists with the plan of the present work.

That it departs widely from *Exactness*, in every one of the particulars wherein exactness consists, enough has already been seen to make abundantly apparent. 1. It creates a great many rights which ought to have no existence; and acts, which ought not to be erected into offences, it does so erect in great numbers. 2. It abounds in extraneous matter. 3. The division and arrangement of the matters of law are highly imperfect. 4. The definitions are so far from excluding darkness and doubt, that they leave almost every thing indefinite and uncertain. 5. Punishments are not repressed, but abound; while there is the most enormous excess in the quantity of punishment. 6. The form of the judicatory is bad, as are a certain proportion of the rules for the mode of performing the judicial services.

In respect to definitions, the Hindu law is in a state which requires a few words of elucidation. Prior to the art of writing, laws can have little accuracy of definition; because when words are not written, they

BOOK II. CHAP. 4. are seldom exactly remembered; and a definition whose words are constantly varying is not, for the purposes of law, a definition at all. Notwithstanding the necessity of writing to produce fixed and accurate definitions in law, the nations of modern Europe have allowed a great proportion of their laws to continue in the unwritten; that is, the traditionary state; the state in which they lay before the art of writing was known. Of these nations, none have kept in that barbarous condition so great a proportion of their law as the English. From the opinion of the Hindus that the Divine Being dictated all their laws, they acknowledge nothing as law but what is found in some one or other of their sacred books. In one sense, therefore, all their laws are written. But as the passages which can be collected from these books leave many parts of the field of law untouched, in these parts the defect must be supplied either by custom, or the momentary will of the judge. Again, as the passages which are collected from these books, even where they touch upon parts of the field of law, do so in expressions to the highest degree vague and indeterminate, they commonly admit of any one of several meanings, and very frequently are contradicted and opposed by one another. When the words in which laws are couched are to a certain degree imperfect, it makes but little difference whether they are written or not: Adhering to the same words is without advantage, when these words secure no sameness in the things which they are made to signify. Further, in modern Europe, the uncertainty adhering to all unwritten laws, that is, laws the words of which have no certainty, is to some degree, though still a very imperfect one, circumscribed and limited, by the writing down of decisions. When, on any particular part of the field, a

number of judges have all, with public approbation, decided in one way; and when these decisions are recorded and made known, the judge who comes after them has strong motives, both of fear and of hope, not to depart from their example. The degree of certainty, arising from the regard for uniformity, which may thus be produced, is, from its very nature, infinitely inferior to that which is the necessary result of good definitions rendered unalterable by writing. But such as it is, the Hindus are entirely deprived of it. Among them the strength of the human mind has never been sufficient to recommend effectually the preservation, by writing, of the memory of judicial decisions. It has never been sufficient to create such a public regard for uniformity, as to constitute a material motive to a judge. And as kings, and their great deputies, exercised the principal functions of judicature, they were too powerful to be restrained by a regard to what others had done before them. What judicature would pronounce was, therefore, almost always uncertain; almost always arbitrary.

In a JUDICATORY, the qualities desirable are; 1. intelligence; 2. good design: and that is the best judicatory in which the best securities are taken for them. In the judicatories of the Hindus, composed of the king and his Brahmens, or the Brahmens alone, there is no security for either the one or the other; and accordingly neither the one nor the other almost ever appears.

The qualities desirable in the forms of judicial procedure, are, 1. efficiency; 2. freedom from delay; 3. freedom from trouble and expense. In these several respects the system of the Hindus displayed a degree of excellence not only far beyond itself in in the other branches of law, but far beyond what is exemplified in more enlightened countries. 1. The

BOOK II. CHAP. 4.

efficiency of the Hindu system of judicial procedure is chiefly impaired by those rules of evidence the badness of which has already been pointed out: 2. For preventing delay, it enjoys every requisite, in its method of immediate, direct, and simple investigation: 3. In the same method is included all that is requisite for obtaining the judicial services with the smallest portion of trouble and expense.[1]

[1] One of the most recent witnesses of the phenomena of Hindu society, who possessed extraordinary means of accurate knowledge, speaks in general upon the administration of justice among the Hindus in the following terms.

"Without any of the judicial forms invented by the spirit of chicanery in Europe; with no advocates, solicitors, or other blood-suckers, now become necessary adjuncts of a court of justice in Europe; the Hindus determine the greater part of their suits of law, by the arbitration of friends, or of the heads of the cast, or, in cases of the very highest importance, by reference to the chiefs of the whole casts of the district assembled to discuss the matter in controversy.—In ordinary questions they generally apply to the chief of the place, who takes upon himself the office of justice of the peace, and accommodates the matter between the parties. When he thinks it more fit, he sends them before their kindred, or arbitrators whom he appoints. He generally follows the last course when the complainants are Brahmans, because persons out of their cast are not supposed capable of properly deciding differences between them. When these methods have been ineffectual to reconcile the parties, or when they refuse to submit to the decision of the arbitrators, they must apply to the magistrates of the district, who decide the controversy without any appeal.

"The authority of the Hindu princes as well as that of the vile emissaires whom they keep in the several provinces of their country for the purpose of harassing and oppressing them in their name, being altogether despotic, and knowing no other rule but their own arbitrary will, there is nothing in India that resembles a court of justice. Neither is there a shadow of public right, nor any code of laws by which those who administer justice may be guided. The civil power and the judicial are generally united, and exercised in each district by the collector or receiver of the imposts. This sort of public magistrates are generally known under the name of *Havildar* or *Thasildar*. They are generally Brahmans. This tribunal, chiefly intended for the collection of the taxes, takes cognizance of all affairs civil and criminal within its bounds, and determines upon all causes." Description of the Character, Manners, and Customs of the people of India, by the Abbé J. A. Dubois, Missionary in the Mysore, p. 493.

CHAP. V.

The Taxes.

BOOK II.
CHAP. 5.

THE form of the government is one; the nature of the laws for the administration of justice is the other, of the two circumstances by which the condition of the people in all countries is chiefly determined. Of these two primary causes no result to a greater degree ensures the happiness or misery of the people, than the mode of providing for the pecuniary wants of the government, and the extent to which the agents of government, of whatever kind, are enabled to divide among themselves and their creatures, the annual produce of the land and labour of the community.

The matters of detail, which by their number and uncertainty have so exceedingly perplexed the servants of the Company, in the financial operations of the Indian government, cannot here be described. The general outline, and the more important effects, of that system of taxation which is described in the ancient books, are all that falls within the design of an account of the ancient state of the people. 1. "Of grain," says the ordinance of Menu, "an eighth part, a sixth, or a twelfth may be taken by the king;" to be determined, adds the gloss of the commentator Culluca, "by the difference of the soil, and the labour necessary to cultivate it."[1] 2. "He may also take a sixth part of the clear annual in-

* Laws of Menu, ch. vii. 130.

BOOK II. CHAP. 5.

crease of trees, flesh-meat, honey, clarified butter, perfumes, medical substances, liquids, flowers, roots and fruit, of gathered leaves, potherbs, grass, utensils made with leather or cane, earthen pots, and all things made of stone."[1] 3. "Of cattle, of gems, of gold and silver, added each year to the capital stock, a fiftieth part may be taken by the king."[2] 4. "Having ascertained the rules of purchase and sale," says the law, "the length of the way, the expenses of food and of condiments, the charges of securing the goods carried, and the neat profits of trade, let the king oblige traders to pay taxes on their saleable commodities; after full consideration, let a king so levy those taxes continually in his dominions, that both he and the merchant may receive a just compensation for their several acts."[3] 5. "Let the king order a mere trifle to be paid, in the name of the annual tax, by the meaner inhabitants of his realm, who subsist by petty traffic: 6. By low handicraftsmen, artificers, and servile men, who support themselves by labour, the king may cause work to be done for a day in each month."[4] It is added; 7. "A military king, who takes even a fourth part of the crops of his realm at a time of urgent necessity, as of war or invasion, and protects his people to the utmost of his power, commits no sin. 8. The tax on the mercantile class, which in times of prosperity must be only a twelfth part of their crops, and a fiftieth of their personal profits, may be an eighth of their crops in a time of distress, or a sixth, which is the medium, or even a fourth in great public adversity; but a twentieth of their gains on money and other moveables is the highest tax: serving men, ar-

[1] Laws of Menu, ch. vii. 131, 132.
[2] Ib. 130.
[3] Ib. 127, 128.
[4] Ib. 137, 138.

tisans, and mechanics, must assist by their labour, but at no time pay taxes."[1]

In these several articles is found an enumeration of all the objects of taxation; and a general expression of the modes and degrees of impost. We perceive taxes on the produce of land, taxes on the produce of labour, a tax on accumulation, a tax on sales, and poll taxes. In article 1., is exhibited a tax on the produce of land; In article 2., a tax both on the produce of land, and on the produce of labour; In article 3., is a tax on accumulation, at least in certain commodities; In article 4., is a tax on purchases and sales; In article 5., is one sort of poll tax; In article 6., is another.

There are two primary qualities desirable in a system of taxation; and in them every thing is included.

The First is, to take from the people the smallest quantity possible of their annual produce.

The Second is, to take from them that which is taken with the smallest possible hurt or uneasiness.

I. Of taking from the people more than enough of the matter of wealth, the causes are two; 1st. When the government consumes beyond the smallest amount sufficient to obtain the services which it yields; 2d. When the collection of the taxes themselves costs more than the lowest sum at which, without sacrificing greater advantages, it is capable of being performed.

II. Of the hurt and uneasiness, beyond the loss of what is taken away, which a system of taxation is liable to produce, the causes seem to be; 1. Uncertainty; 2. Inequality; 3. Impediment to production;

[1] Laws of Menu, ch. x. 118, 120.

4. Injury to the good qualities, bodily or mental, of the people.

Of the first head and its subdivisions, no illustration is necessary; and a few words will suffice for the second.

1. Uncertainty may arise from two sources; 1. Uncertainty in the meaning of the words, by which the tax is defined; 2. Uncertainty in the circumstances upon which the amount of the tax is made to depend; as if it were made to depend upon the weather, or the state of a man's health. Uncertainty in the meaning of the words opens a door to oppression and fraud, on the part of the collector. He will exact the largest sum consistent with the words, if he is not bribed; the lowest, if he is. Uncertainty, from whatever source, is a cause of uneasiness. The mind is continually haunted with the idea of the worst, and with all the fears which attend it; fears, often very great and tormenting. As often as a source of chicanery is opened about the amount which the contributor should pay, a source of extortion is opened, and a source of oppression, necessary to effect the extortion.

2. Of the unequal partition of taxes, the necessary consequence is, a greater quantity of suffering, than the same amount of taxes would produce, if more equally imposed; because the pain of the man who pays too much is out of all proportion greater than the pleasure of the man who pays too little. To make the burthen of taxes equal, it should be made to press with equal severity upon every individual. This is not effected by a mere numerical proportion. The man who is taxed to the amount of one tenth, and still more the man who is taxed to the amount of one fifth or one half, of an income of 100*l.* per annum, is taxed far more severely, than the man who is

taxed to an equal proportion of an income of 1000*l.* and to a prodigious degree more severely than the man who is taxed to an equal proportion of 10,000*l.* per annum.

3. On the mischievousness of all taxes which impede production, it is needless to enlarge. It is only necessary to make them known, or rather acknowledged. 1. Of this sort, are all taxes which take away any part of that property which has been already employed, as capital; because there is always more or less of difficulty in replacing it from the fund destined for immediate consumption. 2. Of this sort also are all taxes which create any encouragement whatsoever, or any discouragement whatsoever, to any particular employment of capital in respect to other employments; for as capital is always carried by a strong impulse to that employment which is the most productive, every thing which turns it out of the course which it would take of its own accord, turns so much of it out of a more, into a less productive channel.

4. That all taxes ought to be shunned which tend to lessen the amount of useful qualities in the people, will not be contradicted. Taxes upon medicines have a tendency to diminish health and strength. Taxes upon innocent amusements, as the sports of the field, have a tendency to drive the people to others that are hurtful. Taxes upon articles of consumption not hurtful, which have a tendency to supplant others that are, as tea and sugar to supplant intoxicating liquors, prompt to the consumption of the hurtful. Taxes upon law proceedings are a premium upon the practice of every species of iniquity. Lotteries are a direct encouragement to a habit of mind, with which no useful tendency can easily coexist. And all taxes, of which the quantity due is

BOOK II. CHAP. 5.

not clear and certain, train the people, by continual practice, to a state of hardened perfection in mendacity, in fraud, and in perjury.

1. In the above list of the sacred ordinances concerning taxes, the first relates entirely to the tax on the produce of the soil. It offends against the rule of *certainty* to a high degree. The amount varies as one to one half; and the variation is made to depend upon circumstances the uncertainty of which opens a boundless field to all the wretched arts of chicanery and fraud on the part of the people, and all the evils of oppression on the part of the collectors. As the determination of the circumstances on which the amount of the assessment depends belongs of course, in such a state of society as that of the Hindus, to the agents of the treasury, a free career is afforded to all the baneful operations of favour and disfavour, of bribery and corruption. Whenever an option is granted between a less exaction and a greater, the violent propensity of all imperfect governments to excess in expense is sure in time to establish the greater. It would appear accordingly that a sixth part of the produce became the uniform tax in Hindustan; and that the indulgence in favour of the barren soils was extinguished. This is the state in which it was found by the Mohammedan conquerors.[1] And in Sacontala,[2] the king is described, at a much earlier period, as "that man whose revenue arises from a sixth part of his people's income." The source of variation and uncertainty from these causes was prodigiously enlarged by the power reserved to the king, of taking even a fourth of the crops, in times of distress. As he was himself

[1] Ayeen Akbery, p. 347.

[2] An ancient Sanscrit poem of the dramatic form, translated by Sir William Jones: See the beginning of the fifth act.

the judge of these times of necessity, we may believe that they were of pretty frequent recurrence.

2. In the second of these fiscal ordinances, a variety of products are enumerated, which, in a rude age, are either the spontaneous produce of the soil, as flowers, roots, grass; or obtained from the spontaneous produce, by some very simple process; as perfumes and medical substances, by expression; flesh-meat and honey, by killing the animals which produce them; and these, as costing little in point of labour, are all taxed at the highest rate imposed upon grain. By one of those capricious arrangements which abound in the institutions of a rude people, utensils made of leather, cane, earth, and stone, in the production of which labour is the principal agent, are placed under the same exaction as the spontaneous productions of the soil. The consequence must have been to render these commodities proportionably dear.

In the execution of this ordinance, there must have been excessive uncertainty, and excessive expense. What is meant by "the annual increase?" The "annual produce of trees" is an absurd expression: Trees grow not by the year. What shall be said of such expressions, as "the annual produce," of "clarified butter," "of flesh-meat," "of flowers?" Not commodities, which continue accumulating, till the amount of the annual produce is seen entire at the end of the year: but commodities daily brought into existence and daily consumed. To collect the tax upon such commodities, a daily visit in every family would hardly suffice. In the execution of this ordinance, the temptation to the incessant practice of all the arts of fraud, on the part of the people, and the powers of oppression bestowed upon the collectors, were well calculated to fill the society with immorality and suffering.

3. In the third of the above ordinances are enumerated the principal classes of moveables known to the Hindus. It seems to be the addition made in any year to the previous stock, and not the previous stock itself, of which one fiftieth is taken in the way of tax. In a society, full of knowledge and industry, this would have been a tax upon capital, and therefore mischievous: in Hindustan, where gold, silver, and gems, were most commonly hoarded, and not devoted to production, it would not have been easy to find a less objectionable tax. Unless in a state of society rapidly progressive, or a state in which there is excessive fluctuation of fortunes, that is, excessive misery, it would be a very unproductive tax.

4. In the words of the fourth ordinance is described a tax on all purchases and sales. The circumstances on which the amount is made to depend are so uncertain, as to constitute a great seminary of fraud on the one hand, and a great office of oppression on the other. The tax is also hurtful to production, by impeding circulation; that is, the passage of property from a situation in which it is less, to one in which it is more useful. The mode in which, at least in modern times, it was chiefly raised, that of transit duties, multiplied to excess, obstructed all that encouragement to industry which is afforded by the interchange of commodities, not only between different countries, but one province and another of the same country. As often as property which has been, and is to be, employed as capital, is bought and sold, it is a tax upon capital.

5. A poll tax, when paid in money, or any other common measure of value, is chiefly objectionable on account of its inequality; as the same sum is a very different burthen to different persons.

6. A poll tax paid in labour is somewhat less objectionable in point of equality, though the same

portion of his time may be a much greater burthen upon one man than it is upon another. It is chiefly objectionable on account of the loss of time, and of property, which it occasions to those who have it to pay. In a well-ordered society, accordingly, where every man's time and labour are disposed of to the best advantage, it has no place.

Some of these ordinances are modified, or the words rendered a little more precise, in the Gentoo Code translated by Mr. Halhed. The following are examples. If a man purchase goods in his own country, and sell them again there, one tenth of his profit goes to the magistrate. If the purchase took place in a foreign kingdom, and the sale in his own, one twentieth only is the share of the magistrate.[1] If a man, having purchased flowers, or roots, as ginger, radishes, and the like, or honey, or grass, or firewood, from another kingdom, sells them in his own, the magistrate is entitled to one sixth of his profits.[2] What was the reason of severe exaction in such cases does not appear. Rude times give not reasons. In the days of Menu these taxes appear to have been much more moderate; a fiftieth of mercantile profits being the ordinary, and a twentieth the extraordinary tax.

In this system of taxation, other sources are of small importance; the revenue of the sovereign arises almost wholly from the artificial produce of the land. To understand in what manner the people of Hindustan were affected by taxation, the circumstances of this impost are all that require to be very minutely explored.

[1] The political economists of Hindustan, and those of the mercantile theory in modern Europe, proceeded on different views.

[2] Halhed's Gentoo Code, ch. xxi. sect. 4. On sales of very small amount, or on those of young heifers, (the cow was a sacred animal) no tax was levied.

BOOK II. CHAP. 5.

The tenure of land in Hindustan has been the source of violent controversies among the servants of the Company; and between them and other Europeans. They first sprung up amid the disputes between Mr. Hastings and Mr. Francis, respecting the best mode of taxing Bengal. And they have been carried on with great warmth, and sometimes with great acrimony, ever since. Of these controversies the account will be due, at the periods when they occur. At present it will suffice to bring to light the circumstances which appear to ascertain the ancient state of the country, in respect to the distribution of property in the land.

In a state of society resembling our own, in which property is secure, and involves very extensive rights or privileges, the affections which it excites are so strong, and give such a force to the associations, by which the idea of it is compacted and formed, that in minds of little range, whose habits are blind and obstinate, the particulars combined together under the idea of property, appear to be connected by nature, and cannot, without extreme injustice, be conceived to exist apart.

At different times, however, very different rights and advantages are included under the idea of property. At very early periods of society it included very few: originally, nothing more perhaps than use during occupancy, the commodity being liable to be taken by another, the moment it was relinquished by the hand which held it: but one privilege is added to another as society advances: and it is not till a considerable progress has been made in civilization, that the right of property involves all the powers which are ultimately bestowed upon it.

It is hardly necessary to add, that the different combinations of benefits which are included under the

idea of property, at different periods of society, are all equally arbitrary; that they are not the offspring of nature, but the creatures of will; determined, and chosen by the society, as that arrangement with regard to useful objects, which is, or is pretended to be, the best for all.

It is worthy of remark, that property in moveables was established; and that it conveyed most of the powers which are at any time assigned to it; while, as yet, property in land had no existence. So long as men continue to derive their subsistence from hunting; so long, indeed, as they continue to derive it from their flocks and herds, the land is enjoyed in common. Even when they begin to derive it partly from the ground, though the man who has cultivated a field is regarded as possessing in it a property till he has reaped his crop, he has no better title to it than another for the succeeding year.[1]

In prosecuting the advantages which are found to spring from the newly-invented method of deriving

[1] Suevorum gens est longe maxima et bellicosissima Germanorum omnium. Ii centum pagos habere dicuntur. * * * Privati et separati agri apud eos nihil est; neque *longius anno* remanere uno in loco, incolendi causa licet: neque multum frumento, sed maximam partem lacte atque pecore vivunt, multumque sunt in venationibus. Cæsar. De Bell. Gal. lib. iv. cap. 1. Among some tribes of negroes on the coast of Africa, each individual must obtain the consent of the chief before he has liberty to cultivate a field, and is only protected in its possession till he has reaped the crop for which he has toiled. Histoire Generale des Voyages, tom. v. ch. vii. sect. 5. "Neque quisquam agri modum certum, aut fines proprios habet: sed magistratus ac principes, in annos singulos, gentibus cognationibusque hominum qui una coierunt quantum et quo loco visum est agri attribuunt; atque anno post, alio transire cogunt." Cæsar. De Bello Gallico, lib. vi. cap. 20.

——— Rigidi Getæ,
Immetata quibus jugera liberas
Fruges et Cererem ferunt,
Nec cultura placet longior annua;
Defunctumque laboribus
Æquali recreat sorte vicarius. Hor. lib. iii. Od. 24.

the means of subsistence from the ground, experience in time discovers, that much obstruction is created by restricting the right of ownership to a single year; and that food would be provided in greater abundance, if, by a greater permanence, men were encouraged to a more careful cultivation. To make, however, that belong to one man, which formerly belonged to all, is a change, to which men do not easily reconcile their minds. In a thing of so much importance as the land, the change is a great revolution. To overcome the popular resistance, that expedient which appears to have been the most generally successful, is, to vest the sovereign, as the representative of the society, with that property in the land which belongs to the society; and the sovereign parcels it out to individuals, with all those powers of ownership, which are regarded as most favourable to the extraction from the land of those benefits which it is calculated to yield. When a sovereign takes possession of a country by conquest, he naturally appropriates to himself all the benefits, which the ideas of his soldiers permit.

In many of the rude parts of Africa, the property of the land is understood to reside in the sovereign; it is in the shape of a donation from him, that individuals are allowed to cultivate; and when the son, as is generally the case, succeeds to the father, it is only by a prolongation of the royal bounty, which, in some places at least, is not obtained without a formal solicitation.[1] It is known, that in Egypt the

[1] Histoire Generale des Voyages, tom. iv. ch. xiii. p. 203. Modern Universal History, vol. xvii. p. 322. I am induced to transcribe the following passage from Mr. Park: "Concerning property in the soil; it appeared to me that the lands and native woods were considered as belonging to the king, or (where the government was not monarchical) to the state. When any individual of free condition had the means of cultivating more land than he actually possessed, he applied to the chief

king was the sole proprietor of the land; and one fifth of the produce appears to have been yielded to him as revenue or rent.[1] Throughout the Ottoman dominions, the Sultan claims to himself the sole property in land.[2] The same has undoubtedly been the situation of Persia, both in ancient and modern times.[3] "It is established," says the late intelligent Governor of Java, "from every source of inquiry, that the sovereign in Java is the lord of the soil."[4] And

man of the district, who allowed him an extension of territory, on condition of forfeiture, if the lands were not brought into cultivation by a given period. The condition being fulfilled, the soil become vested in the possessor; and, for aught that appeared to me, descended to his heirs." Travels in Africa, p. 260, 261.

"All the land is said to belong to the king; but if a man chooses to clear a spot and erect a town, he may: the land is free for any of the people. If a stranger, indeed, that is, an European, should wish to settle among them, he must make a present of goods to the king." Correspondence of John Kizell, on the state of the people on the river Sherbro, Appendix to the Sixth Report of the African Institution, p. 133.

[1] Herodot. lib. ii. cap. cix. says, that Sesostris, as he was told by the priests, divided all the land of Egypt among the people, and thence raised his revenues, imposing an annual tribute on each portion; και απο τȣτȣ τας προσοδȣς ποιησασθαι, επιταξαντα αποφορην επιτελειν κατ' ενιαυτον. See too, Strabo, lib. xvii. p. 1135. Diod. Sic. lib. i. sect. 2. cap. xxiv.

[2] Volney's Travels in Syria and Egypt, vol. ii. p. 402, et passim. De l'Egypte, *par le General Reynier*, p. 66, 51.

[3] For information on this point, see Herodot. lib. iii.; lib. iv. cap. xlii.; Sir William Ouseley's Translation of Ebn Haukal, an Arabian geographer, who lived in the tenth century, p. 137; Institutes of Timur; Ayeen Akberry; Chardin's Travels.

[4] Gov. Raffles' Minute on Java, p. 6; also, p. 79, 108. The distribution of the land among the Peruvians was as follows: One third part of it was dedicated to, and cultivated for, the gods; that is, the priests. Another third part the Inca reserved for himself, for the maintenance of his court and of his armies. The remaining third he distributed to the people, assigning an established portion to each family. "But no particular man," (says Acosta, Nat. and Mor. Hist. of the Indies, book VI. ch. xv.) "possessed any thing proper to himself of this third portion, neither did the Indians ever possess any, if it were not by special grace from the Inca." Garcilasso de la Vega tells us, (part I. book V. ch. i.) that it was only when there was more land than sufficed for the people, that the Inca and the Sun received their full thirds; when that was not the case, these portions were diminished to augment to the proper pro-

BOOK II. CHAP. 5.

when the fact is established in regard to Java, it is established with regard to all that part of the eastern islands, which in point of manners and civilization resembled Java. It is not disputed that in China the whole property of the soil is vested in the Emperor.[1] By the laws of the Welsh, in the ninth century, all the land of the kingdom was declared to belong to the king;[2] and we may safely, says Mr. Turner, believe, that the same law prevailed while the Britons occupied the whole island.[3]

To those who contemplate the prevalence of this institution, among nations contiguous to the Hindus, and resembling them in the state of civilization, it cannot appear surprising, that among them, too, the sovereign was the lord of the soil. The fact is, indeed, very forcibly implied, in many of the ancient laws and institutions. "Of old hoards," says one of the ordinances of Menu, "and precious minerals in the earth, the king is entitled to half by reason of his general protection, and because he is the supreme lord of the soil."[4] The king, as proprietor, and as fully entitled to an equitable return for the land which he

portion that of the people. See too Carli, Lettres sur l'Amerique, let. xv. For great services land was given in full property; Acosta, book VI. ch. xviii; and this is another remarkable coincidence with what existed in Hindustan.

[1] Abbé Grosier Descr. de la Chine; but Mr. Barrow's testimony is the most direct and satisfactory. "The emperor," says he, "is considered as the sole proprietary of the soil, but the tenant is never turned out of possession as long as he continues to pay his rent, which is calculated at about one tenth of what his farm is supposed capable of yielding; and though the holder of lands can only be considered as a tenant at will, yet it is his own fault if he should be dispossessed." Barrow's China, p. 397.

[2] Leges Wallicæ, Hoel, cap. 337.

[3] Turner's History of the Anglo-saxons, vol. ii. ch. iii.

[4] Laws of Menu, ch. viii. 39. I have here substituted the word *supreme* for the word *paramount*, used by Sir William Jones, which has no meaning but as it relates to the feudal institutions of Europe, and is calculated to convey an erroneous idea.

has let, is empowered to punish the cultivator for bad cultivation. "If land be injured, by the fault of the farmer himself, as if he fails to sow it in due time, he shall be fined ten times as much as the king's share of the crop, that might otherwise have been raised; but only five times as much, if it was the fault of his servants without his knowledge."[1] Among other ancient memorials of Hindu institutions and manners, are certain inscriptions engraved on durable materials. Some of them are records of grants of land, commonly to favourite Brahmens; and afford strong indication of the proprietary rights of the sovereign. The sovereign gives away villages and lands, not empty, but already occupied by cultivators, and paying rent.[2] It appears from an ordinance of Yagyawalcya, one of the most sacred of the law sages, that the kings alienated the lands within their dominions, in the same manner, and by the same title, as they alienated any portion of their revenues.[3] On

[1] Laws of Menu, ch. viii. 243.

[2] See a royal grant of land, engraved on a copper plate, bearing date twenty-three years before Christ; and discovered among the ruins at Monguir, translated by Mr. Wilkins, Asiat. Researches, i. 123. "Be it known," says the inscription, (p. 126) "that I have given the above-mentioned town of Meseeka, whose limits include the fields where the cattle graze, above and below the surface, with all the lands belonging to it, together with all the Mango and Modhoo trees; all its waters, and all their banks and verdure; all its *rents*, all its tolls and fines for crimes, and rewards for catching thieves. In it there shall be no molestation, no passage for troops," &c. It is here remarkable that the sovereign, as well as the proprietary, rights are given away; so indissolubly were these united in the minds and institutions of the Hindus. In the same manner in another grant of land found at Tanna, and bearing date An. Christi, 1018, the land is given away "with its herbage, wood, and water, and with power of punishing for the ten crimes." Asiat. Researches, i. 364.

[3] "Let a king, *having given land*, or *assigned revenue*, cause his gift to be written for the information of good princes, who will succeed him, either on prepared cloth, or on a plate of copper, sealed above with his signet; having described his ancestors and himself, the dimensions or quantity of the gift, with its metes and bounds, if it be land, and set his own hand to it, and specified the time, let him render his donation firm."

BOOK II. CHAP. 5.

this point, it is of material importance to remark, that up to the time, when the interests of the Company's servants led them to raise a controversy about the rights of the Zemindars, every European visitor, without one exception that I have found, agrees in the opinion, that the sovereign was the owner of the soil.[1]

See the original, and the translation of Sir William Jones, Asiat. Res. iii. 50.

The Digest of Hindu law, translated by Colebrooke, (i. 460) declares, "By conquest, the earth became the property of the holy Parasu Rama, by gift the property of the sage Casyapa; and, committed by him to Cshatriyas for the sake of protection, became their protective property successively held by powerful conquerors, and not by subjects, cultivating the soil." It further appears, from the same passage, that by agreement with the sovereign, and not otherwise, a tenure of more than one year might be required; but without such agreement, the cultivator might be turned away at the end of every year, if a larger rent was offered by any other. It was highly necessary to quote this passage, though it is affirmed by Col. Wilks, to be a law manufactured by the complaisant Brahmens, who made the Digest, on purpose to suit the opinions of the ruling power, at that time in love with the Zemindarry system. Col. Wilks affirms, that there is nothing whatsoever which the Brahmens cannot make to be law, on a similar occasion. And it is at least certain, that part of what they give as law has been proved to be at variance with all that appears either of their present or ancient institutions.

"That there were no hereditary estates in India; for that all the land belonged to the king, which he disposed of at pleasure." Persian authority, quoted by Stewart, Hist. of Bengal, p. 132.

[1] It is proper to adduce the more remarkable instances. The ancient Greeks who visited India expressly inform us, that the kings were the sole proprietors of the soil, and that a fourth part of the produce was usually paid them in kind as the rent or tribute. Strabo, lib. xv. p. 1030. Diod. Sic. lib. ii. p. 53.

"Diodorus, Strabo, the voyagers and travellers of later times, without any exception that has fallen within the scope of my limited reading, the authors of the Lettres Edifiantes, and the European travellers who visited the court of Aurungzebe in the latter part of the seventeenth century, Bernier, Thevenot, Chardin, Tavernier, and I believe, Manouchi, are unanimous in denying the existence of private landed property in India." Wilks, Hist. Sketches, p. 114.

"In revenue the Emperor doubtless exceeds either Turk or Persian, or any eastern prince, the sums I dare not name, but the reason. All the land is his, no man has a foot." Sir T. Roe to the Archbishop of Canterbury, Churchill, i. 803.

"Toutes les terres du royaume," says Bernier, "estant en propre au

Wherever the Hindus have remained under the influence of their ancient customs and laws, the facts correspond with the inference which would be drawn from these laws. Under the direction of the Governor-General of Bengal, a journey was undertaken, in the year 1766, by Mr. Motte, to the diamond mines in the province of Orissa. In a narrative of his journey, he gives an account of the distribution of the land at Sumbhulpoor, which till that time had remained under the native government. Each village being rated to the government at a certain quantity of rice, which is paid in kind, the land is thus divided among the inhabitants: To every man, as soon as he arrives at the proper age, is granted such a quantity of arable land as is estimated to produce 242½ measures

roi," &c. Suite de Mem. sur l'Emp: du Grand Mogol, t. ii. p. 10. See also, p. 150, 174, 178: at p. 189, he makes the following remark; "Ces trois etats, Turkie, Perse, et l'Hindoustan, comme ils ont tous osté ce *Mien* et ce *Tien*, a l'egard des fonds de terre et de la propriété des possessions, qui est le fondement de tout ce qu'il y a de beau et de bon dans le monde, ne peuvent qu'ils ne se resemblent de bien prés." Montesquieu seems to have been fully aware of this important fact.—"Les loix des Indes, *qui donnent les terres aux princes*, et *ôtent aux particuliers l'esprit de propriété*, augmentent les mauvais effets du climat, c'est à dire, la paresse naturelle." Esp. de Loix, liv. xiv. ch. 6.

"All the lands in India are considered as the property of the king, except some hereditary districts possessed by Hindoo princes." Dow's Hindostan, preface, p. xiii.

"All the lands in the kingdom," says Mr. Orme, (Fragments, p. 403) belong to the king: therefore all the lands in the provinces are subject to the Nabob. With him, or his representatives, farmers agree for the cultivation of such an extent, on reserving to themselves such a proportion of the produce. This proportion is settled according to the difficulty or ease of raising the grain, and seldom exceeds a third." One third to the cultivator, and two thirds to the proprietor, would be accounted a rack-rent in England. Mr. Orme says again, (Ibid. p. 414) "The king, by being proprietor of the lands, sells to his subjects their subsistence, instead of receiving supplies from them." Mr. Holwell says, (Interesting Historical Events, i. 220). "The rents of the lands are the property of the emperor." And again, "The tenures of the ryots are irrevocable, as long as they pay the rent; and by the laws of Hindostan, they must be twelve months in arrear before they can be ejected." Ibid.

BOOK II. CHAP. 5.

of rice, of which he must pay 60⅛ measures, or about one fourth to the rajah or king. Mr. Motte adds; "The reserved rent of three or four villages, being one fourth the produce of the land, is applied to the use of the rajah's household. The reserved rent of the rest is given to his relations or principal servants, who by these means have all the inhabitants dependent on them."[1] Dr. Buchanan gives a particular account of the manner in which the crop, in those parts of India which are most purely Hindu, is divided between the inhabitants and the government. In Bengal it is not allowed to be cut down till the rent or tax is first paid: but in those countries to which his journey principally relates, it is the custom, after the grain has been thrashed out in the field, to collect it into heaps, and then to divide it. A heap generally consists of about 110 Winchester bushels, of which he presents the following distribution as a specimen of the partition which is usually made. For the gods, that is, for the priests at their temples, are deducted five seers, containing about one-third of a Winchester gallon each; for charity, or for the mendicant Brahmens, an equal quantity; for the astrologer and the Brahmen of the village, one seer each; for the barber, the potmaker, the washerman, and the Vasaradava, who is both carpenter and blacksmith, two seers each; for the measurer, four seers; for the Aduca, a kind of beadle, seven seers; for the village chief, eight seers, out of which he has to furnish the village sacrifices; and for the accomptant, ten seers.

[1] A Narrative of a Journey to the Diamond Mines of Sumbhulpoor, in the province of Orissa, by Thomas Motte, Esq. Asiat. Annual Register, i., Miscellaneous Tracts, p. 75. Mr. Motte further informs us that every man at Sumbhulpoor is enrolled as a soldier, and is allowed half a measure of rice in the day for his subsistence, while his wife cultivates the farm. He seems to say that this subsistence is given to him by the wife from the produce of the farm.

All these perquisites are the same, whatever be the size of the heap beyond a measure of about twenty-five Winchester bushels. When these allowances are withdrawn the heap is measured; and for every candaca which it contains, a measure equal to $5\frac{1}{20}$ Winchester bushels, there is again deducted half a seer to the village watchmen, two and a half seers to the accomptant, as much to the chief of the village; and the bottom of the heap, about an inch thick, mixed with the cow-dung which in order to purify it had been spread on the ground, is given to the Nirgunty, or conductor of water. These several deductions, on a heap of twenty candacas, or 110 Winchester bushels, amount to about $5\frac{1}{4}$ per cent. on the gross produce. Of the remainder, 10 per cent. is paid to the collectors of the revenue, as their wages or hire; and the heap is last of all divided into halves between the king and the cultivator.[1]

From these facts only one conclusion can be drawn, that the property of the soil resided in the sovereign; for if it did not reside in him, it will be impossible to show to whom it belonged. The cultivators were left a bare compensation, often not so much as a bare compensation, for the labour and cost of cultivation: they got the benefit of their labour: all the benefit of the land went to the king.[2]

[1] Buchanan's Journey through the Mysore, &c. i. 2, 3, 130, 194, 265. "This simple mode of rating lands for half their yearly produce is derived from the remotest antiquity in different parts of Hindostan, and still invariably prevails in such countries as were left unsubdued by the Mahomedans, like Tanjore, where the ancient Indian forms of administration are, for the most part, preserved entire." British India Analysed, i. 195.

[2] The Missionary Dubois, with his singular opportunities of correct information, says peremptorily; "Creditors can have no hold on the real estate of their debtors, because the Hindus have no property in the soil. The lands which they cultivate are the domain of the prince, who

BOOK II. CHAP. 5.

Upon the state of facts, in those places where the present practices of the Hindus have not been forced into a disconformity with their ancient institutions, the fullest light has been thrown, by those servants of the Company, who made the inquiries requisite for the introduction of a regular system of finance, into the extensive regions in the south of India added to the British dominions during the administrations of the Marquisses Cornwallis and Wellesley. Place, Munro, Thackeray, Hodgson, were happily men of talents; sufficiently enlightened to see the things which were before them with their naked eyes; and not through the mist of English anticipations. From the reports of these meritorious gentlemen, presented to their superiors, the Committee of the House of Commons, which inquired into East India affairs in 1810, have drawn the following as a general picture: "A village, geographically considered, is a tract of country, comprising some hundreds, or thousands, of acres of arrable and waste land. Politically viewed, it resembles a corporation, or township. Its proper establishment of officers and servants consists of the following descriptions: The *Potail*, or head inhabitant, who has the general superintendance of the affairs of the village, settles the disputes of the inhabitants, attends to the police, and performs the duty

is the sole proprietor. He can resume them at his pleasure, and give them to another to cultivate. Even the huts in which they live, built of mud and covered with thatch, are not their own. All belongs to the prince; and if a man, for any reason whatever, quits his habitation in the village, he can by no means dispose of it to another, although it were constructed by his own hands. The only property they possess is their few cows and buffaloes; and upon these no creditor is allowed to lay his hands; because, if deprived of his cattle, he would be unable to cultivate the land; whence an injury would accrue to the prince." Description, &c. of the People of India, by the Abbé Dubois, p. 496.

of collecting the revenues within his village: The *Curnum*, who keeps the accounts of cultivation, and registers every thing connected with it: The *Tallier* and *Totic;* the duty of the former appearing to consist in a wider and more enlarged sphere of action, in gaining information of crimes and offences, and in escorting and protecting persons travelling from one village to another; the province of the latter appearing to be more immediately confined to the village, consisting, among other duties, in guarding the crops, and assisting in measuring them: The *Boundary-man*, who preserves the limits of the village or gives evidence respecting them in cases of dispute: The *Superintendant of water courses and tanks*, who distributes the water for the purposes of agriculture: The *Brahmen*, who performs the village worship: The *Schoolmaster*, who is seen teaching the children in the villages to read and write in the sand: The *Calendar Brahmen*, or astrologer, who proclaims the lucky, or unpropitious periods for sowing and thrashing: The *Smith*, and *Carpenter*, who manufacture the implements of agriculture, and build the dwelling of the ryot: The *Potman* or potter: The *Washer-man:* The *Barber:* The *Cow-keeper*, who looks after the cattle: The *Doctor:* The *Dancing Girl*, who attends at rejoicings; The *Musician*, and the *Poet*.

"Under this simple form of municipal government, the inhabitants of the country have lived, from time immemorial. The boundaries of the villages have been seldom altered: and though the villages themselves have been sometimes injured, and even desolated, by war, famine, and disease, the same name, the same limits, the same interests, and even the same families, have continued for ages. The inhabitants give themselves no trouble about the

breaking up and division of kingdoms; while the village remains entire, they care not to what power it is transferred, or to what sovereign it devolves; its internal economy remains unchanged; the Potail is still the head inhabitant, and still acts as the petty judge and magistrate, and collector or renter of the village."[1]

These villages appear to have been not only a sort of small republic, but to have enjoyed to a great degree the community of goods. Mr. Place, the collector in the jaghire district at Madras, informs us, that "Every village considers itself a distinct society; and its general concerns the sole object of the inhabitants at large: a practice," he adds, "which surely redounds as much to the public good as to theirs; each having, in some way or other, the assistance of the rest; the labours of all yield the rent; they enjoy the profit, proportionate to their original interest, and the loss falls light. It consists exactly with the principles upon which the advantages are derived from the division of labour; one man goes to market, whilst the rest attend to the cultivation and

[1] Fifth Report, Commit. 1810, p. 85. See, in "Considerations on the State of India," by A. Fraser Tytler, i. 113, a description of a village in Bengal, which shows that the Indian continent was pervaded by this institution.

An association of a similar kind existed among the Mexicans. Robertson's America, iii. 283.

Some curious strokes of resemblance appear in the following particulars of the Celtic manners, in the highlands and islands of Scotland. "The peculiarities which strike the native of a commercial country, proceeded in a great measure from the want of money. To the servants and dependants, that were not domestics, were appropriated certain portions of land for their support. Macdonald has a piece of ground yet, called the bard's, or senachie's field. When a beef was killed for the house, particular parts were claimed as fees by the several officers, or workmen. The head belonged to the smith, and the udder of a cow to the piper; the weaver had likewise his particular part; and so many pieces followed these prescriptive claims, that the laird's was at last but little." Johnson's Hebrides.

the harvest; each has his particular occupation assigned to him, and insensibly labours for all. Another practice very frequently prevails, of each proprietor changing his lands every year. It is found in some of the richest villages; and intended, I imagine, to obviate that inequality to which a fixed distribution would be liable."[1]

The state of taxation is described by the same committee, in the following terms: "By the custom of the Hindu government, the cultivators were entitled to one half of the paddy produce (that is, grain in the husk) depending on the periodical rains. Of the crops from the dry grain lands, watered by artificial means, the share of the cultivator was about two-thirds. Before the harvest commenced, the quantity of the crop was ascertained, in the presence of the inhabitants and village servants, by the survey of persons, unconnected with the village, who, from habit, were particularly skilful and expert, in judging of the amount of the produce, and who, in the adjustment of this business, were materially aided by a reference to the produce of former years, as recorded by the accountants of the villages. The quantity which belonged to the government being thus ascertained, it was received in kind, or in money." Of garden produce, of which the culture was more difficult, a smaller portion was taken; because, if field culture was taxed as much as it could bear, it seems to have been supposed that garden culture, at an equal rate of taxation, could not have been carried on.

"Such," continue the committee, "were the rights of the ryots, according to the ancient usage of the country. In consequence, however, of the changes

[1] Fifth Report, ut supra, p. 723.

introduced by the Mahomedan conquest, and the many abuses which later times had established, the share really enjoyed by the ryots was often reduced to a sixth, and but seldom exceeded a fifth. The assessments had no bounds but those which limited the supposed ability of the husbandman. The effects of this unjust system were considerably augmented by the custom, which had become common with the Zemindars, of sub-renting their lands to farmers, whom they armed with unrestricted powers of collection, and who were thus enabled to disregard, whenever it suited their purpose, the engagements they entered into with the ryots; besides practising every species of oppression, which an unfeeling motive of self-interest could suggest. If they agreed with the cultivators at the commencement of the year, for a rent in money, and the season proved an abundant one, they then insisted on receiving their dues in kind. When they did take their rents in specie, they hardly ever failed to collect a part of them before the harvest time had arrived and the crops were cut; which reduced the ryots to the necessity of borrowing from money lenders, at a heavy interest of 3, 4, and 5 per cent. per month, the sums requisite to make good the anticipated payments that were demanded of them. If, from calamity or other cause, the ryots were the least remiss in the discharge of their rents, the offices of the renters were instantly quartered upon them; and these officers they were obliged to maintain, until they might be recalled on the demand being satisfied. It was also a frequent practice with the renters to remove the inhabitants from fertile lands, in order to bestow them on their friends and favourites; and to oblige the ryots to assist them, where they happened to be farmers, in

the tilling of their lands; and to furnish them gratuitously with labourers, bullocks, carts, and straw."[1]

The two terms, Ryot, and Zemindar, introduced into this passage, are of frequent recurrence in the history of India, and require to be explained. By ryots, are always denoted the husbandmen; the immediate cultivators of the ground. The Persian term Zemindar, introduced by the Mahomedan conquerors, was in Bengal, and certain other parts of India, the name of a certain sort of middleman, between the cultivator who raised the crop, and the king who received the greater part of the net produce. Into the controversy respecting the nature of the interest which the Zemindar possessed in the land with respect to which he performed his function of middle-man, I shall not at present enter. Another occasion will present itself for the examination of that subject. It is here sufficient to say, that in districts, sometimes of greater, sometimes of less extent, a person, under the title of Zemindar, received the share of the produce, which was exacted from the ryot; either by himself, or the persons to whom he farmed the receipts; and paid it over to the sovereign, reserving a prescribed portion to himself. The Zemindar was thus, whatever else he might be, the collector of the revenue, for the district to which he belonged. As the receipt of revenue, in a rude state of government, is the business most dear to the governors, the Zemindar, in order the better to secure this favourite end, was vested with a great share of the powers of government. He was allowed the use of a military force; the police of the district was placed in his hands; and he was vested with the civil branch of judicature. When his district was

[1] Fifth Report, ut supra, p. 81, 82.

BOOK II. CHAP. 5.

large, he was a sort of a petty prince. In various places of India, however, the collection of the revenue had never become fixed and hereditary, in the hands of an individual, and the business was transacted between the immediate cultivators, and a man who possessed none but the characteristics of an immediate officer of government.

The committee say, that a rate of taxation much more severe than that which existed under the Hindu governments was introduced by the Mohamedan rulers, and amid the abuses of modern times. For this opinion they have no authority whatsoever. It is, therefore, a mere prejudice. The rate which they mention goes far beyond the scale of the ancient ordinances: And what reason is there to believe that the ancient Hindu governments did not, as the Mohamedan, levy assessments to the utmost limits of the supposed ability of the ryots? In those parts of India which Europeans have found still remaining under Hindu governments, the state of the people is worse, if there is any difference, than where they have been subject to the Mohamedan sway.

The rate established in the ancient ordinances has been regarded as evidence of mild taxation, that is, of good government. It only proves that agriculture was in its earliest, and most unproductive state; and though it paid little, it could not afford to pay any more.[1] We may assume it as a principle, in which there is no room for mistake, that a government constituted and circumstanced as that of the

[1] By the same rule, the Turkish government would be ranked as excellent. It takes little: but the reason is, there is nothing more which it can take. The ancient assessment on the cultivator in Persia was one-tenth; but in the days of the Indian Emperor Akbar, he was by one means or other made to pay more than a half. Ayeen Akberry, Ed. in 4to. p. 348.

Hindus had only one limit to its exactions, the non-existence of any thing further to take. Another thing is certain, that under any state of cultivation, but the very worst, if the whole except a sixth of the produce of a soil, so rich as that of Hindustan, had been left with the cultivator, he must have had the means of acquiring wealth, and of attaining rank and consequence; but these it is well ascertained that the ryots in India never enjoyed.[1]

Notwithstanding these proofs that the ownership in the land was reserved to the king, this conclusion has been disputed, in favour, 1st, of the Zemindars, and 2dly, of the Ryots. The question with regard to the Zemindars may be reserved till that period of the history, when it was agitated for the sake of practical proceedings on the part of the government. The question with regard to the Ryots belongs peculiarly to this part of the work.

The circumstances which appear to have misled the intelligent Europeans who have misinterpreted this part of the Hindu institutions, are two; first, the tenure of the ryot or husbandman; and secondly, the humane and honourable anxiety, lest the interests and the happiness of the most numerous class of the population should be sacrificed, if the sovereign were acknowledged as owner of the soil.

But, if this acknowledgment were ever so complete, it is inconsistent neither with the tenure which is claimed in favour of the ryots, nor with the means of their prosperity and happiness. And if it were, the acknowledgment of its previous existence would be no bar to a preferable arrangement; since the so-

[1] The population in India, through so many ages, must have been kept down by excess of exaction. Even in the richest parts of India one half of the soil has never been under cultivation.

BOOK II. CHAP. 5.

vereign can have a right to nothing which is injurious to his people.

In a situation in which the revenue of the sovereign was increased in proportion to the number of cultivators, and in which a great proportion of the land continued void of cultivators, there would be a competition, not of cultivators for the land, but of the land for cultivators. If a ryot cultivated a piece of ground, and punctually paid his assessment, the sovereign would be far from any wish to remove him, because it would be difficult to supply his place. If the ryot sold the ground to another ryot, or left it to a successor, that is, put another in his place who would fulfil the wishes of the sovereign, he, whose source of fear was the want of a cultivator, had still cause for satisfaction; and seldom, if ever, interfered.

By custom, the possession of the ryot became, in this manner, a permanent possession; whence he was not removed except when he failed to pay his assessment or rent; a possession which he could sell during his life; or leave by inheritance when he died. As far as rights can be established by prescription, these rights were established in India in favour of the ryots. And no violation of property is more flagrant than that by which the tenure of the ryot is expunged.

But, according even to European ideas, a right to cultivate the land under these, and still greater advantages, is not understood to transfer the ownership of the land. The great estates in Ireland, for example, let under leases perpetually renewable, are vendible and inheritable by the leaseholders, without affecting the ownership of their lords; subject, moreover, to a very important restriction, from which the sovereigns in India were free;[1] the lords of such estates

[1] It is remarkable that the king's tenants in *ancient* demesne were, in

cannot raise their rents at pleasure; the sovereigns in India enjoyed this privilege, and abused it to excess. The sovereigns in India had not only the ownership, but all the benefit of the land; the ryots had merely the privilege of employing their labour always upon the same soil, and of transferring that privilege to some other person; the sovereign claimed a right to as much of the produce as he pleased, and seldom left to the ryots more than a very scanty reward for their labour.

That ownership in the land justified this extent of exaction, or implies a valid title to any power at variance with the interests of the ryots, is an erroneous inference. Without violating its obligations to the people, a government cannot spend any sum, beyond what is strictly necessary for the performance of the services, which it is destined to render: and it is justified in taking even this sum exclusively from the cultivators of the land, only if that is the mode in which all the qualities desirable in a financial system are the most completely realized.

Those who contend for the privileges of the ryots would no doubt observe, that in this mode of interpretation, we reduce the ownership of the sovereign to an empty name; and that to the admission of it, thus understood, they see nothing to object. The controversy is then at a close. The ownership of the sovereign in the soil, wherever it exists, is, by the principles which constitute the very foundation of government, reduced to the limits above described. And it is no less certain, that all which is valuable in the soil, after the deduction of what is due to the

England, perpetual, on the same condition as the ryots in India. A gleba amoveri non poterint, quamdiu solvere possunt debitas pensiones. Bracton, lib. i. cap. ii.

sovereign, belongs of incontestable right to the Indian husbandman.[1]

[1] The following quotations will show how completely these deductions accord with the facts which the late perfect investigation has elicited. Mr. Thackery, in his general report, remarks, "All this peninsula, except, perhaps, only Canara, Malabar, and a few other provinces, has exhibited, from time immemorial, but one system of land revenue. The land has been considered the property of the Circar [government], and of the ryots. The interest in the soil has been divided between these two; but the ryots have possessed little more interest than that of being hereditary tenants. If any persons have a claim to participate with government in the property of the soil, it is the ryots." (Fifth Report, ut supra, p. 992.) These ideas, and even the very words, have been adopted, in the Report of the Board of Revenue. Ib. p. 898. "Lands," says Mr. Place, "cannot be alienated without a written instrument; because both the sovereign and the subject have a mutual property in them. Each, however, may alienate his own, and the other is not affected. The sovereign may part with his interest in them: but the usufructuary right remains with the subject. And all that the latter can sell, mortgage, or give away, is the enjoyment of the profit, after paying what is due to the sovereign." (Ibid. p. 718.) Mr. Harris, in his report on Tanjore, informs us, "A meerassadar (ryot) disposes of his station in any manner he pleases. He disposes of it, too, and quits, without being bound to give, to any one, notice of his transfer and departure. Like him, his successor superintends its cultivation, and pays its revenue. Government know nothing of his relinquishment; and if they knew of it, they would not care about it here, as in Europe. The proprietorship of the land belongs to government or the landlord; and he who is entrusted with the duty of making it productive, lives upon it and cultivates it, so long as he pays its revenue, and no longer. But this occupation of it, while the superior is satisfied, has been converted by the meerassadar, into a right. They have made the right a property; and they retain, sell, lend, give, or mortgage, according to their inclination, the whole or any part of it." (Ibid. 829.) Even Mr. Hodgson, who is an advocate for raising the revenue through the instrumentality of Zemindars, affirms the rights of the cultivators to be incontestable. "I make," says he, "the following inductions: 1st. that the cultivators have a right, every where, to pay a fixed tax for the land they occupy; 2dly. that they have the right, universally, to occupy this land, so long as they pay the standard rent; 3dly. that they have the right to sell or transfer, by deed, gift, or otherwise, the land they occupy, subject always to the condition of paying the standard rent; 4thly. that they exercise the right, stated in the third position, wherever the standard rent has not been increased, so as to absorb all the profit on cultivation, or arable land is sufficiently scarce to be of value in the acquisition." (Ib. 979.)

The Hindu mode of raising the revenue of the state, wholly, or almost wholly, by taking as much as necessary of the rent of the land, while it is the obvious expedient which first presents itself to the

If the writer means, by saying that the cultivator had a *right* to pay no more than a fixed rent, that it would have been right or good to pay only in that manner, I maintain the same doctrine; but if he means that the cultivator ever *enjoyed* this right, the proposition is far from true. In every other respect I assent to the propositions of Mr. Hodgson. I also agree with him, when he says; "Provided the property in private estates, that is, the standard rent, and no more, be paid by these owners of private estates, I hold it to be a matter of very secondary importance to them, whether the rent is demanded of them by the ancient rajahs or polygars, the officers of Byjnuggur or Bednore government, the rajah coorg, the tehsildars of the Company, or the (to be created) zemindars of the Company." (Ib. 980.) The collector of Tanjore also thinks it not worth inquiring what ownership the sovereign has, provided the usufruct of the ryot is well defined and secured. (Ib. 831.) See Hodgson again to the same effect. (Ib. p. 926.) We are informed by Mr. Park, that in Africa, when a permission to cultivate a spot of ground has been granted by the sovereign, it is not resumed, while the revenue or rent is paid. (Travels, p. 261.) In China, Mr. Barrow assures us, that the cultivator, though in reality a tenant at will, is never dispossessed, but when he fails to discharge the stated engagements. "So accustomed," he adds, "are the Chinese to consider an estate as their own, while they continue to pay the rent, that a Portuguese in Macao had nearly lost his life for endeavouring to raise the rent upon his Chinese tenants." (Travels in China, p. 397.) Dr. Buchanan says, "The ryots or farmers have no property in the ground; but it is not usual to turn any man away, so long as he pays the customary rent. Even in the reign of Tippoo, such an act would have been looked upon as an astonishing grievance." (Journey through Mysore, &c. i. 124.) "The genius and tendency of all Hindu institutions is, to render offices, as well as property, hereditary." (Wilks's Hist. Sketches, p. 231.) "The king is the general heir of all his subjects; but when there are children to inherit, they are seldom deprived of their father's estate." (Dow's Hindostan, pref. p. xiii.) Η χωρα της πολεως· αλλ' ὀυδεν ἡττον των κεκτημενων ἑκαςος κυριος εςι των ἑαυτου. (Dio Chrysostom. Orat. 31. in Rhodiac.) Anquetil Duperron was the first of the Europeans who maintained that the ownership of the land was vested in the ryots. He has written a discourse upon the subject, in his work entitled, *Recherches Historiques et Geographiques sur l'Inde.* He proves what is now acknowledged, that a man might dispose of his farm, and was seldom turned out of it, while he continued to pay his taxes or rent. There is a learned and able chapter, in support of the same opinion, in "Historical Sketches of the South of India, by Col. Wilks."

rudest minds, has no inconsiderable recommendation from science itself. Previous to allotment, the productive powers of the soil are the joint property of the community; and hence are a fund peculiarly adapted to the joint or common purposes and demands. If the whole of what is strictly rent were taken away, the application of labour and capital to the land would resemble the application of labour and capital to wood or iron; and the same principles, in both cases, would determine their reward.

But as the expense required for the services of government exceeds not a very small portion of the rent of the land, unless where the quantity is very minute, the greatest possible benefit is derived from the productive powers of the soil, when it is the property of individuals. The benefits of the soil have, accordingly, over the greater part of the globe, been employed, first, to supply in whole, or for the greater part, the necessities of government, next to enrich the individual occupant. The most remarkable exception to this rule is in modern Europe. After the conquests of the Gothic nations, the land was thrown in great portions into the hands of the leading men; and they had power to make the taxes fall where they chose; they took care accordingly that they should fall any where rather than upon the land; that is, upon any body rather than themselves. Further, as their influence over the sovereign made him glad to share with them what he derived from the taxes, they not only threw the burthen off their own shoulders, but taxed, as they have continued to do, and sometimes in a progressive ratio, to the present hour, the rest of the community for their benefit.

The objections to the Hindu system of providing for the expenses of government, arise rather from the mode, than the essence.

By aiming at the receipt of a prescribed portion of the crop of each year; and with a very imperfect distinction of the lands of different powers, the Hindus incurred most of the evils which a bad method of raising a tax is liable to produce. They rendered the amount of the tax always uncertain, and its pressure very unequal; they rendered necessary a perfect host of tax-gatherers; and opened a boundless inlet to partiality and oppression on the one hand; to fraud and mendacity on the other. A tax, consisting of any portion of the gross produce of the soil, raises the price of that produce; because the tax raised from the poorest of the cultivated land must be returned, along with the expense of cultivation, in the exchangeable value of its produce. In this manner a tax is levied upon the consumers of corn, which surpasses the sum paid to the government, and enriches the owners of the best land at the expense of the community.[1]

An expensive mode of raising the taxes is a natural effect of a rude state of society. We are informed by Sully, that the receipt into the French exchequer, in the year 1598, was only thirty millions of French money; while the sum, dragged out of the pockets of the people, was 150 millions. "The thing appeared incredible," says the statesman: "but by the due degree of labour, I made the truth of it certain."[2] The proportion was doubtless greater in Hindustan.

Receiving the taxes in kind was a practice which ensured a prodigious expense, and a waste, by which nobody gained. Scarcely any other mode seems to

[1] See a Dissertation on the Principles of Taxation, the most profound, by far, which has yet been given to the world, by David Ricardo, Esq in his work "On the Principles of Political Economy and Taxation."

[2] Mem. du Sully, liv. xx.

BOOK II. CHAP. 5.

have been known to the Hindus in the time of their ancient institutions; and to a great degree it continued down to the latest period of their history.[1] How rude and inconvenient soever this practice must be regarded; we find several nations, who make a considerable figure in the history of the world, who have not in this respect advanced beyond the Hindus. It may not surprise any one, that taxes were raised in kind in the ancient empire of Mexico.[2] The greater part, though not the whole, were raised in the same manner, in Persia, even in the time of Darius Hystaspes;[3] and the mixture, at least, whatever the proportion, continues to the present day.[4]

[1] Among the Mexicans, says Dr. Robertson, "Taxes were laid upon land, upon the acquisitions of industry, and upon commodities of every kind exposed to sale in the public markets. These duties were considerable, but not arbitrary or unequal. They were imposed according to established rules, and each knew what share of the common burden he had to bear." History of America, iii. 295, 229. The political descriptions of this admired historian are, commonly, by far too general, and thence vague. We cannot suppose that the Mexicans were more skilled in the policy of taxation than the Hindus.

[2] "As the use of money was unknown," says Robertson, (Ibid. p. 296,) "all the taxes were paid in kind, and thus not only the natural productions of all the different provinces in the empire, but every species of manufacture, and every work of ingenuity and art, were collected in the public storehouses." It is worthy of remark that the same mode of taxing handicrafts and labourers was adopted in Mexico as in Hindustan; "People of inferior condition (Ibid.), neither possessing land nor engaged in commerce, were bound to the performances of various services. By their stated labour the crown lands were cultivated, public works were carried on, and the various houses belonged to the emperor were built and kept in repair."

[3] It is remarkable that, in Persia, the use even of coined money was unknown till the time of Darius Hystaspes. The portion of tribute that was paid in gold and silver was received by weight. Herodot. lib. iv. cap. clxvi. Major Rennel, not aware that this was only a portion, and a small portion, of the Persian taxes, is exceedingly puzzled to account for the diminutive amount of the Persian revenues, and at last concludes that "the value of money was *incredibly* greater at that time than at present." Rennel's Geography of Herodotus, p. 316.

[4] Ebn Haukal, translated by Sir William Ousely, p. 136. Chardin's Travels in Persia.

The whole revenue of China, with the exception of some trifling articles, is paid in kind.[1] BOOK II. CHAP. 5.

[1] Abbé Grosier, p. 76; Barrow's China, p. 499. Mr. Barrow informs us that a vast number of the vessels on the canals and rivers are employed in conveying the taxes to the capital. Ib. p. 508. In those countries on the Euxine Sea which early attained so high a state of civilization as to have a large export trade in grain, even the custom house duties, or the taxes on export and import, were levied in kind. We are informed by Demosthenes, Orat. adv. Leptinem, that Leucon king of Bosphorus, from which Athens derived her principal supplies, levied a duty of one thirtieth in kind upon all the corn shipped in his ports.

CHAP. VI.

Religion.

It is difficult to determine whether the constitution of the government and the provisions of law, or Religion, have, among the Hindus, the greatest influence upon the lives of individuals, and the operations of society. Beside the causes which usually give superstition a powerful sway in ignorant and credulous ages, the order of priests obtained a greater authority in India than in any other region of the globe; and this again they employed with astonishing success in multiplying and corroborating the ideas on which their power and consequence depended. Every thing in Hindustan was transacted by the Deity. The laws were promulgated, the people were classified, the government was established, by the Divine Being. The astonishing exploits of the Divinity were endless in that sacred land. For every stage of life from the cradle to the grave; for every hour of the day; for every function of nature; for every social transaction, God prescribed a number of religious observances. And meditation upon his incomprehensible attributes, as it was by far the most difficult of all human operations, so was it that glorious occupation which alone prepared the intense votary for the participation of the Divine nature.

Of so extensive and complicated a subject, as the religion of the Hindus, a very general view can alone be taken here. All that is interesting to the politi-

cian and the philosopher, may, however, it is presumed, be confined within a moderate space. The task is rendered difficult by the unparalleled vagueness which marks the language of the Brahmens respecting the nature of the gods, the vast multiplicity of their fictions, and the endless discrepancy of their ideas. Hence it is, that no coherent system of belief seems capable of being extracted from their wild eulogies and legends; and if he who attempts to study their religion is disposed, like themselves, to build his faith on his imagination, he meets with little obstruction from the stubborn precision of Hindu expressions and tenets.

Nothing is more curious than to trace the ideas concerning Divine power which the natural faculties of our race suggest to them at the various stages of their career. In the very rude and imperfect state in which society originated, the human mind can hardly so far enlarge its views as to draw conclusions respecting the universe. Those operations and events of nature, which more immediately concern mankind, and on which their happiness and misery depend, no doubt engage their eager curiosity. The causes of light and darkness, of drought and rain, of the thunder, of the hurricane, of the earthquake, suggest many an anxious inquiry; but to put all the objects of nature, and all the changes which they undergo, into one group of ideas, and to ask whence did the whole proceed, seems to be an operation too complicated, and too far removed from the ordinary track of his ideas, to be one of the first that takes place in the mind of a barbarian.

With regard to that other class of questions, which more easily occur to him, his nature very readily suggests an answer. Prior to experience and instruction, there is a propensity in the imagination to endow

BOOK II. CHAP. 6. with life whatever we behold in motion; or, in general, whatever appears to be the cause of any event. A child beats the inanimate object, by which it has been hurt, and caresses that by which it has been gratified. The sun, which is the cause of day, the savage regards as a beneficent deity. A spirit resides in the storm; the woods and the waters are peopled with divinities; there is a god of plenty, and a god of want; a god of war, and a god of peace; a god of health, and a god of sickness. That this may be considered as a correct outline of the first religion which is suggested to the human mind, the laws of human nature, and the ideas which are found to prevail among rude tribes, appear sufficiently to evince.

But men are not long in making another step in their religious progress. Having made for themselves a theory with respect to the cause of the *events* which affect them, the origin too of the *things* which they perceive attracts their curiosity; and from asking the cause, first of one great object, and then of another, they come at last to put the general question, what is the cause and origin of the whole? There are very few, therefore, even among the most barbarous nations, who have not made an attempt to account for the origin of the universe, and in whose religious ideas some species of cosmogony is not involved. But, in answering the question respecting the origin of the universe, it is impossible that men should not be guided by their previous ideas. It follows, that among the divinities, whom they already adored, He, whom they regarded as the most powerful, should be selected as the Maker of the world. Were they placed in circumstances of tolerable tranquillity, this potent God would probably be the sun; were they a people almost constantly plunged in the horrors of war, the god of arms would naturally be

their chief divinity. Hence we see that in many nations of Asia, who at an early period seem to have been placed in favourable circumstances, the sun was supreme among the gods, and the great principle of the universe; among the turbulent and warlike tribes who inhabited the north of Europe, Odin, the god of war, was the supreme deity, and author of all things.

The Hindus had made considerable progress beyond the first and lowest stage of human society. It seems common, however, to retain for a long time the ideas which are then implanted; and, rather than eradicate the old to make of them a heterogeneous compound with the new. The Greeks and the Romans did not reject their Jupiter, and Mars, their gods of the mountains, trees, and rivers, when they rose to more comprehensive views of the universe; they only endeavoured to accommodate to these primary conceptions their new apprehensions and conclusions. In like manner, the Hindus have still their Indra, or the god of the firmament, Varuna, or the god of the waters, Rembha, the goddess of love; in the whole, a long and splendid catalogue of thirty-three crore.[1]

We have translations from the Hindu books of several passages containing accounts of the creation.[2]

[1] A crore is 100 lacs, and a lac is 100,000; so that thirty-three crore of deities is just 330 millions.

[2] Three of these from the Vedas themselves by Mr. Colebrooke, (As. Res. viii. 404, 421, 452); another account, translated from the Puranas by Mr. Halhed, is published in Maurice's History, (i. 407); Mr. Wilford has given us another, derived from the same source, (As. Res. iii. 358.) An account of the creation is prefixed to the Gentoo code translated by Halhed; we have another, in the French translation, entitled Bagavadam, of the Bhagavat. The author of the Ayeen Akbery informs us that no fewer than eighteen opinions respecting the creation were entertained in Hindustan, and presents us three as a specimen, of which the last, taken from the Surya Sidhanta, he says, is the most common.

BOOK II. CHAP. 6.

They differ from one another very widely in the minor forms and circumstances; but strongly resemble in the general character, and in the principal ideas. That contained in the sacred volume which bears the name of Menu may be taken as a standard, being more full and circumstantial than any of those which are given us from the Vedas; derived from a work of equal authority with the Vedas themselves, and exhibiting, as drawn up at a later period, the improvement, if any, which the ideas of the people had acquired. It is all vagueness and darkness, incoherence, inconsistency, and confusion. It is one of the most extravagant of all specimens of discourse without ideas. The fearless propensity of a rude mind to guess where it does not know, never exhibited itself in more fantastic and senseless forms.[1]

Beside accounts of what creation was, we have accounts of the mode in which the Hindu divinity performed the creation. If a man possessing refined and exalted notions of the Divine Nature were to describe the great work of creation, he would have the clearest conviction of his own incompetence; and, as Moses, he would attempt no more than by a few strokes to convey an idea of the magnitude of the task, and of the power and wisdom of him who performed it. If far removed from this degree of knowledge and reflection, he will enter without hesitation upon a minute and detailed description both of the plan, and of its execution. If, however, the society in which he lives has attained any considerable improvement, the process which he conceives will indicate some portion of human wisdom; will, at least, be such as an instructed member

Ayeen Akbery, iii. 6. The most important of all is that which I have referred to in the text, from the Institutes of Menu, ch. i. 5, &c.

[1] See note A. at the end of the volume.

of that society, had he infinite power imparted to him, would devise for himself. On the other hand, if a description of the creation presents no idea but what is fantastic, wild, and irrational; if it includes not even a portion of that design and contrivance which appear in the ordinary works of man; if it carries the common analogies of production, in animal and vegetable life, to the production of the universe, we cannot be mistaken in ascribing it to a people, whose ideas of the Divine Being were grovelling.

"The self-existing power," says Menu, "having willed to produce various beings, first with a thought created the waters." This is not a despicable conception: but what succeeds? "He placed in these waters a productive seed." This is one of those analogies to the growth of a plant or an animal which are generally the foundation of the cosmogony of a rude people. What next? The seed becomes an egg; which is a very extraordinary product; a wonderful course, too, for the self-existing power to follow in the formation of the universe. The other steps are not less amazing. In this egg the divine being deposited himself, and there he lay, in a state of inactivity, a whole year of the Creator, that is, according to the Hindus, 1,555,200,000,000 solar years of mortals.[1] At the end of this astonishing

[1] The length of a year of the Creator may be thus computed. A calpa, or grand period, containing the reigns of fourteen Menus, constitutes, Sir William Jones informs us (Asiat. Research. i. 237) one day of Brahma. This period comprises (see an accurate calculation, according to the books of the Hindus, in Mr. Bentley's Remarks on Ancient Eras and Dates, Asiat. Research. v. 316) 4,320,000,000 years; and such is the length of one day of the Creator. A divine year again contains 360 days; and the multiplication of these numbers produces the amount which appears in the text. Mr. Wilford (see Asiat. Research. iii. 382) makes this computation in a manner, and with a result, somewhat different. "One year of mortals," he says, "is a day and a night of the gods, and 360 of our years is one of theirs: 12,000 of their years, or

period he caused by his thought the egg to divide itself, and was himself born in the form of Brahma, the great forefather of all spirits;[1] thus, "from THAT-WHICH-IS, the first cause, was produced the divine male, famed in all worlds, under the appellation of Brahma."[2] This is celebrated in Hindu books as the great transformation of the Divine Being, from neuter to masculine, for the purpose of creating worlds; and under this masculine form of Brahma it was that he effected the rest of creation. The Hindus believe that he was engaged in it for no less than 17,064,000 years.[3] Of the two divisions of the egg from which he had just been freed, he framed the heaven above, the earth beneath, and in the midst the subtle ether, the eight regions, and the permanent receptacle of waters. The creation of mind is next described; but this will be more conveniently considered when we come to appreciate the notions of the Hindus in relation to thought. The creation however of man, or at least of the Hindus, is worthy of our particular regard. "That the human race might be multiplied, He caused the Brahmen to proceed from his mouth, the Cshatriya from his arm, the Vaisya from his thigh, and the Sudra from his foot." The analogy of ordinary descent is again the foundation of this fantastic imagination; and the Hindu could picture to himself the production of a human being, even by the Deity, only in the way of a species of birth. This analogy leads to a still more extravagant conceit for the creation of other races of

4,320,000 of ours, constitute one of their ages, and 2,000 such ages are Brahma's day and night, which must be multiplied by 360 to make one of his years."

[1] In other words, he was hatched.

[2] Vide the quotation from the Institutes of Menu, in Note A. at the end of the volume.

[3] Asiat. Research. ii. 237 and 232.

men, and living creatures. As if "The Mighty Power" could not produce them by his male virtue alone, "He divided his own substance, and became half male, half female. By this female the male half produced Viraj, a demigod and saint; Viraj, by the virtue of austere devotion, produced Menu, another demigod and saint." Menu again, "desirous," he says, "of giving birth to a race of men," produced ten lords of created beings; and these lords produced at his command "seven other Menus, and deities, and the mansions of deities, and great sages, and also benevolent genii, and fierce giants, blood-thirsty savages, heavenly quiristers, nymphs and demons, huge serpents and snakes of smaller size, birds of mighty wing, and separate companions of Pitris or progenitors of mankind; lightnings and thunderbolts, clouds and coloured bows of Indra, falling meteors, earth-rending vapours, comets, and luminaries of various degrees; horse-faced sylvans, apes, fish, and a variety of birds, tame cattle, deer, men, and ravenous beasts with two rows of teeth; small and large reptiles, moths, lice, fleas, and common flies, with every biting gnat, and immoveable substances of distinct sorts. Thus was this whole assemblage of moveable and stationary bodies framed by those high-minded beings."[1]

But in the Hindu books we find applied to the Divinity a great variety of expressions, so elevated, that they cannot be surpassed even by those of the men who entertain the most sublime ideas of the Divine Nature. In the passage immediately quoted from Menu, he is described as the sole self-existing power, the soul of all beings, he whom the mind alone can perceive, who exists from eternity, and whom no being

[1] See Note B. at the end of the volume.

BOOK II. CHAP. 6.

can comprehend. In a passage from the Brahmanda Purana, translated by Mr. Wilford, he is denominated; "The great God, the great Omnipotent, Omniscient one, the greatest in the World, the great Lord who goes through all worlds, incapable of decay." [1] In a prayer, translated by Mr. Colebrooke, from one of the Vedas, he is called, "the pure Brahme, whom none can apprehend as an object of perception, above, around, or in the midst; the God who pervades all regions, the first-born; he, prior to whom nothing was born; who became all beings, himself the Lord of creatures; he, who made the fluid sky and solid earth, who fixed the solar orb and celestial abode, whom heaven and earth mentally contemplate; the mysterious Being, in whom the universe perpetually exists, resting on that sole support; in whom this world is absorbed, from whom it issues." [2] Without multiplying instances, it may shortly be stated that human language does not supply more lofty epithets of praise than are occasionally addressed to their deities by the Hindus.

To form a true estimate of the religion of this people, it is necessary by reflection to ascertain, what those expressions in the mouth of a Brahmen really mean. We shall incur the risk of completely deceiving ourselves, if, with the experience how naturally vague and general expressions, especially in such abstract and mental subjects, convey the most different ideas, to people in different stages of society, we take the lofty expressions of devotion in Hindu books, as full and satisfactory evidence of lofty conceptions of the Divine Nature. It is well ascertained that nations, who have the lowest and meanest ideas of the Divine Being, may yet apply to him the most sounding epithets by which perfection can be expressed.

[1] Asiat. Research. viii. 352. [2] Ib. 432.

In tracing the progress of natural religion, through the different stages of intellectual acquirement, a very important fact is discovered; that language, on this subject, has a much greater tendency to improve, than ideas. It is well known how vile and degrading were the notions of the Divine Nature presented in the fictions of the Greek poets; insomuch that Plato deemed them unfit to be read;[1] yet the Brahmens themselves do not surpass the Greek poets in elevated expressions concerning the Deity. Orpheus, early and rude as is the period to which his poetry relates, thus describes the celestial King; "Jupiter, the sovereign; Jupiter, the original parent of all things; and Wisdom, the first procreator; and all-delighting Love: For in the mighty frame of Jupiter all are contained: One power, one godhead: He is the great Regent of all."[2] Cæsar informs us that the Druids among

[1] He states that the only practical inference the youth could draw from the accounts delivered by the poets concerning the gods was; to commit all manner of crimes, and out of the fruits of their villainy to offer costly sacrifices and appease the divine powers; αδικητεον και θυτεον απο των αδικηματων. De Repub. lib. ii. 595, 6.

[2] Orphic. Fragm. vi. 366. Numerous passages might be produced:

Ζευς εστιν αιθηρ, Ζευς δε γη, Ζευς δ' ουρανος·
Ζευς τοι τα παντα. Euphorion.
'Εις Θεος εν παντεσσι. Orphic. Frag. iv. 363.
Jane pater, Jane tuens, Dive biceps, biformis,
O! cate rerum sator; O! principium Deorum.
Verses from an ancient Choriambic poem, which are quoted by Terentianus Maurus de Metris.

Ζευς ὁ προ τριων Κρονιδων. 'Ουτος εστι των ὁλων δημιουργος. Procl. in Platon. Tim. p. 95. It is almost needless to quote Homer's

Ζηνα τε μητιοεντα, Θεων πατερ' ηδε και ανδρων.

"The Araucanians [the native Indians of Chili] acknowledge a Supreme Being, the Author of all things, whom they call PILLAN, a word derived from *pulli* or *pilli*, the soul, and signifies the supreme essence; they also call him Guenu-pillan, the Spirit of heaven; Buta-gen, the Great Being; Thalcove, the Thunderer; Vilvemvoe, the Creator of all; Vilpepilvoe, the Omnipotent: Mollgelu, the Eternal; Avnolu, the Infinite, &c." Molina, Civil Hist. of Chili, book II. ch. v.

A passage of Empedocles, containing the language of a pure theology, may be seen in Harris's Philos. Arrangements, ch. viii. p. 162.

BOOK II. CHAP. 6.

the ancient Gauls delivered many doctrines concerning the nature of the universe, and the powers of the immortal gods;[1] and it is remarkable that the Greeks and the Romans were forcibly struck with the similarity between the ideas of the Druids, and those of the Brahmens of India, the Magi of Persia, the Chaldeans of Assyria, and the priests of Egypt.[2] The creed of the ancient Germans, as we are informed by Tacitus, was, "that God is the Ruler of all: other things are to him subject and obedient."[3] In the ancient Scandinavian mythology, the Supreme God was described, as, "The author of every thing that existeth; the eternal, the ancient, the living and awful Being, the searcher into concealed things; the Being that never changeth."[4] On the statue of the Egyptian goddess Isis was this inscription; "I am every thing past, every thing present, and every thing to come."[5] The Deity was described by Zoroaster as "The First, the Incorruptible, the Eternal, without generation, without dissolution, without a parallel, the charioteer of all which is good, inaccessible to bribes, the best of the good, the wisest of the wise."[6] The Getes asserted their deity Zamolxis to be the true God, that besides him there was none other, and that to him they went after death, being endowed with spirits immortal.[7] Even the rude tribes of America, wandering naked in the woods, "appear," says Ro-

[1] Cæsar. de Bel. Gal. lib. vi. cap. 13.

[2] See Henry's Hist. of Great Britain, i. 149; and the authorities there adduced.

[3] Regnator omnium Deus: cætera subjecta atque parentia. Tacit. de Mor. Germ. cap. xxxv.

[4] See a translation from the Edda in Mallet's Introduct. Hist. Denmark, i. ch. 5, and ii. p. 7, 8.

[5] Plutarch. de Iside et Osiride.

[6] Euseb. Præp. Evang. lib. i. p. 42.

[7] Herodot. lib. iv. cap. 93, 94.

bertson, "to acknowledge a Divine Power to be the maker of the world, and the disposer of all events. They denominate him the Great Spirit."[1] Thus it appears how commonly the loftiest *expressions* are used concerning the gods, by people whose *conceptions* of them are, confessedly, mean.[2]

This important fact, however remarkable, is founded on principles of very powerful operation in the nature of man. The timid barbarian, who is agitated by fears respecting the unknown events of nature, feels the most incessant and eager desire to propitiate the Being on whom he believes them to depend. His mind works, with laborious solicitude, to discover the best means of recommending himself. He naturally takes counsel from his own sentiments and feelings; and as nothing to his rude breast is more delightful than adulation, he is led by a species of instinct to expect the favour of his god from praise and flattery. In an uncultivated mind, how strong this sentiment is, a very superficial knowledge of human nature may convince us. Mr. Foster, in his Travels over land from India, was overtaken by a storm in the Caspian Sea; and remarks that during the danger "every man was imploring the Divine interposition in his own manner and language." "But my attention," says he, "was chiefly attracted by a Persian. His ejaculations were loud and fervent; and the whole force of his prayers was levelled at Ali; on whom he bestowed every title that could denote sanctity or military prowess. He

[1] Robertson's Hist. Amer. ii. 197.

[2] "Ces peuples (les Romains) adorent un Dieu supreme et unique, qu'ils appellent toujours *Dieu tres-grand, et tres-bon*; cependant ils ont bâti un temple a une courtisanne nommée Flora, et les bonnes femmes de Rome ont presque toutes chez elles de petits dieus penates hauts de quatre ou cinq pouces; une de ces petites divinités est la deesse de tetons; l'autre celle de fesses; il y a un penat qu'on appelle le *dieu Pet.*" Voltaire, Essai sur les Mœurs et l'Esprit de Nations, iv. 373.

called on him, by the name of the Friend of God; the Lord of the Faithful; the Brandisher of the invincible sword; to look down on his servant, and shield him from the impending evil. Thinking also to obtain the more grace with the father, he would occasionally launch out into the praises of his two sons."[1]

When the belief is once admitted that the Deity is pleased with panegyric, it is evident to what length the agitated and ignorant votary will speedily be carried. Whatever may be the phrases with which he begins; in a short time, the ardour of his fears incites him to invent new and stronger; as likely to prove more agreeable and prevalent. Even these, by a short use, become familiar to his mind. When they begin to be stale and feeble, he is again prompted to a new invention, and to more violent exaggerations.

Exhausting quickly the powers of his language, he has other expedients in store. The god, on whom his eulogies have been lavished, is that one, among the invisible powers, on whom his interests seem more immediately to depend: This deity is at first panegyrised on account of those operations alone which belong to his own department: The sun is originally applauded only as the Regent of day: the bountiful giver of light, and of all its attendant blessings: But when panegyric on this subject is exhausted, the unwearied adorer opens a new fountain of adulation: The operations of some divinity, whose department most nearly resembles that of the favourite deity, affords some circumstance which, it is imagined, might do honour to that patron god: It is accordingly, as a very artful expedient, immediately detracted from the one, and ascribed to the other: No sooner is the novelty of this new attribute decayed,

[1] Forster's Travels, ii. 256.

than the prerogative of some other divinity is invaded, and the great object of worship is invested with a new power or function of nature: This, it is evident, is a fertile discovery: The votary has many articles to add to his list of powers and functions, before he exhausts the provinces of the whole of the gods. He proceeds incessantly, however; adding to the works and dominions of the great divinity one province after another, till at last he bestows upon him the power and functions of all the gods. He is now the supreme deity, and all the rest are subordinate. He is the king of the celestial powers; or, what is still more sublime, their author or father; He from whom their very being and powers are derived. They still, however, retain their ancient departments: and he who was god of the winds remains the god of the winds; he who was god of the waters remains god of the waters. But they are no longer independent deities; they have now a superior, and are regarded in the light of his ministers or agents.

The ingenuity of fear and desire sometimes invents a higher strain of flattery still. The power, which is delegated to so many extraordinary beings, is regarded as a deduction from that which might otherwise be wielded by the supreme. And happy is the man, who first imagines he can inform the Divinity, that no such division and diminution of his power exists: That those supposed agents or ministers are not in reality beings endowed with the powers of the Almighty; that they are those powers themselves; the different modes in which he manifests himself. After this, he is the one God: He is all in all: From him every thing begins, in him every thing terminates: He unites all possible attributes: Like time, he has no beginning and shall have no end: All power belongs to him, all wisdom, and all virtue. Such is the pro-

BOOK II. CHAP. 6.

gress of the language, not of knowledge and cultivated reason, but of the rude and selfish passions of a barbarian; and all these high and sounding epithets are invented by men whose ideas of the divine nature are mean, ridiculous, gross, and disgusting.

Some of the most enlightened of the Europeans who have made inquiries concerning the ideas and institutions of the Hindus, have been induced, from the lofty epithets occasionally applied to the gods, to believe and to assert that this people had a refined and elevated religion. Nothing is more certain than that such language is far from proof of such a religion. Yet ingenious men, from some of whom we have largely derived instruction, appear to have thought that no other proof was requisite; and, as on this evidence they adopted the opinion themselves, that others ought to receive it on the same foundation.[1]

[1] Among the similar proofs which might be produced, of sublime theological notions, may be quoted the following remarkable passage from Garcilasso de la Vega (Royal Commentaries, book II. ch. ii.) "Besides the sun, whom they worshipped for the visible God, to whom they offered sacrifice and kept festivals, the *Incas*, who were kings, and the *Amautas*, who were philosophers, proceeded by the mere light of nature, to the knowledge of the true Almighty God our Lord, Maker of Heaven and Earth, as we shall hereafter prove by their own words and testimonies, which some of them gave of the Divine Majesty, which they called by the name of *Pachacamac*, and is a word compounded of *Pacha*, which is the universe, and *Camac*, which is the soul; and is as much as he that animates the world. * * * Being asked who this *Pachacamac* was, they answered that it was he who gave life to the universe; sustained and nourished all things; but because they did not see him they could not know him; and for that reason they erected not temples to him, nor offered sacrifice, howsoever they worshipped in their hearts and esteemed him for the unknown God." And in book VIII. ch. vii. he gives us the following argument of an Inca, Topac Yupanqui, "Many say that the sun lives, and that he is the maker of all things: now it is necessary that the thing which is the cause of the being of another, should be assistant and operate in the production thereof; now we know that many things receive their beings, during the absence of the sun, and therefore he is not the maker of all things. And that the sun hath not life is evident, for that it always moves in its circle, and yet it is never weary; for if it had life it

Since the language employed by any people is a very fallacious test of the ideas which they entertain concerning the Divine Nature, it is necessary to investigate the circumstances, in their religious practice, or belief, which enable us in any degree to define their vague expressions. Those circumstances are few; but their evidence determinate. They are the operations ascribed to the Divinity, the services reputed agreeable to him, and the laws which he is understood to have ordained. If these correspond with the ideas of infinite power, wisdom, and goodness, we may believe with certainty that the sublime language is the expression of corresponding conceptions; on the other hand, where those operations, services, and laws, are in the highest degree unworthy of a perfect nature, we may be fully assured, that the sublime language is altogether without a meaning, the effect of flattery, and the meanest of passions, and that it is directly suggested, not by the most lofty, but by the most grovelling and base ideas of the Divine Nature.

Of the host of Hindu Divinities, Brahma, Vishnu, and Siva, are the most exalted. Other nations have

would require rest, as we do; and were it free, it would visit other parts of the heavens, into which it never inclines out of its own sphere; but, as a thing obliged to a particular station, moves always in the same circle, and is like an arrow which is directed by the hand of the archer." The Mexicans too, as we are informed by Clavigero, Hist. of Mexico, book VI. sect. 1, besides the crowd of their ordinary Deities, believed in "a supreme, absolute, and independent Being, to whom they acknowledged to owe fear and adoration. They represented him in no external form, because they believed him to be invisible; and named him only by the common appellation of God, in their language *Teotl*, a word resembling still more in its meaning than in its pronunciation the *Theos* of the Greeks; but they applied to him certain epithets which were highly expressive of the grandeur and power which they conceived him to possess. They called him *Ipalnemouni*, that is, "He by whom we live:" and *Tloque Nahuaque*, "He who is all in himself." Clavigero adds, "But their knowledge and worship of this Supreme Being was obscured, and in a manner lost, in the crowd of deities invented by their superstition."

BOOK II. CHAP. 6.

most frequently carried on the applause of *one* favourite deity, till they bestowed upon him alone all power in heaven and earth: The Hindus have distributed the creation and government of the universe among those three, denominating Brahma the creator, Vishnu the preserver, and Siva the destroyer.

Of the highest scene of operation in which the Divine Being can be contemplated by mortals, the creation of the universe, the conception, formed by the Hindus, is so far from corresponding with high and noble ideas of the creating power, that it is consistent only with the most base. This itself is a criterion of a religious system from which there is no appeal.

Of the peculiar functions of Vishnu and Siva no determinate conception appears to have been formed. They are two beings of mighty power, by whom great actions are performed; but there is no distinct separation of their provinces. Whenever indeed we seek to ascertain the definite and precise ideas of the Hindus in religion, the subject eludes our grasp. All is loose, vague, wavering, obscure, and inconsistent. Their expressions point at one time to one meaning, and another time to another meaning;[1] and their wild fictions, to use the language of Mr. Hume, seem rather the playsome whimsies of monkeys in human shape, than the serious asseverations of a being who dignifies himself with the name of rational.[2] Vishnu

[1] This is admitted even by those whom the occasional expressions of the Hindus have most strongly convinced of the sublimity of their sentiments. Mr. Colebrooke says, "There is indeed much disagreement and consequent confusion in the gradation of persons interposed by Hindu theology between the Supreme Being and the created world." Asiat. Research. viii. 442. Even Sir William Jones is constrained to confess that the Hindu "scheme of theology is most obscurely figurative, and consequently liable to dangerous misconception; that it is filled with idle superstitions, abounds with minute and childish formalities, with ceremonies generally absurd and often ridiculous." Pref. to Institutes of Menu.

[2] Hume's Essays, ii. 470.

is not unfrequently employed in the acts which properly belong only to a destructive power; and Siva is so far from answering to the title bestowed upon him, that he is a divinity hardly less beneficent than Vishnu himself.

In the conception which the Hindus have formed of the government of the world, the visible agency of the Deity is peculiarly required. " I have passed," says the preserving god, " many births. Although I am not in my nature subject to birth or decay, and am the lord of all created beings, yet having command over my own nature, I am made evident by my own power; and as often as there is a decline of virtue, and an insurrection of vice and injustice in the world, I make myself evident; and thus I appear from age to age, for the preservation of the just, the destruction of the wicked, and the establishment of virtue."[1] " Aty Sechen himself," says another sacred book, " all-knowing as he is, could not number the metamorphoses and different forms under which Vishnu has appeared for the salvation of the universe."[2] Such are the Hindu ideas of the manner in which the power of the Divine Being is exerted in the government of the universe.

Of these visible appearances or incarnations of the divinity, ten, known in the Hindu mythology under the name of avatars, are peculiarly distinguished. The first, which is denominated the avatar of the fish, is thus described.[3] At the close of the last calpa, there was a general destruction, occasioned by the sleep of Brahma; his creatures in different worlds being drowned in a vast ocean. The strong demon Hagya-

[1] Bagvat-Geeta, p. 51, 52.

[2] Bagavadam, p. 11.

[3] I have merely abridged the account which is given by Sir William Jones in a literal translation from the Bhagavat, Asiat. Res. i. 230.

griva came near him and stole the Vedas, which had flowed from his lips. When the preserver of the universe discovered this deed, he took the shape of a minute fish, called sap'hari. A holy king named Satyavrata then reigned. One day, as he was making a libation in the river Critamala, the little fish said to him, How canst thou leave me in this river water, when I am too weak to resist the monsters of the stream who fill me with dread? Satyavrata placed it under his protection in a small vase full of water; but in a single night its bulk was so increased, that it could not be contained in the jar, and thus again addressed the prince: I am not pleased with living in this little vase; make me a large mansion where I may dwell in comfort. The king successively placed it in a cistern, in a pool, and in a lake, for each of which it speedily grew too large, and supplicated for a more spacious place of abode; after which he threw it into the sea, when the fish again addressed him: Here the horned sharks and other monsters of great strength will devour me; thou shouldest not, O valiant man, leave me in this ocean. Thus repeatedly deluded by the fish, who had addressed him with gentle words, the king said, Who art thou that beguilest me in that assumed shape. Never before have I seen or heard of so prodigious an inhabitant of the waters, who like thee has filled up, in a single day, a lake 100 leagues in circumference. Surely thou art the great God whose dwelling was on the waves. Salutation and praise to thee, O first male, the lord of creation, of preservation, of destruction! Thou art the highest object, O supreme ruler, of us thy adorers, who piously seek thee. All thy delusive descents in this world give existence to various beings; yet I am anxious to know for what cause that shape has been assumed by thee. The lord of the uni-

verse, loving the pious man, and intending to preserve him from the sea of destruction, caused by the depravity of the age, thus told him how he was to act: In seven days from the present time, O thou tamer of enemies, the three worlds will be plunged in an ocean of death; but in the midst of the destroying waves, a large vessel, sent by me for thy use, shall stand before thee. Then shalt thou take all medicinal herbs, all the variety of seeds; and, accompanied by seven saints, encircled by pairs of all brute animals, thou shalt enter the spacious ark, and continue in it secure from the flood, on one immense ocean, without light, except the radiance of thy companions. When the ship shall be agitated by an impetuous wind, thou shalt fasten it with a large sea serpent on my horn; for I will be near thee, drawing the vessel with thee and thy attendants. Thus instructed, the pious king waited humbly for the appointed time. The sea, overwhelming its shores, deluded the whole earth; and it was soon perceived to be augmented by showers from immense clouds. He, still meditating on the divine command, and conforming to the divine directions, entered the ship; when the god appeared again distinctly on the vast ocean in the form of a fish, blazing like gold, extending a million of leagues, with one stupendous horn, on which the king, as he had before been commanded, tied the ship with a cable made of a vast serpent. Afterwards the god, rising, together with Brahma, from the destructive deluge, which was abated, slew the demon Hagyagriva.

Such are the operations in the government of the universe which the religious ideas of the Hindus lead them to ascribe to the divine Being. The second appearance or avatar of the Preserver is of the same character, and suggested by similar views. Hirina-

cheren, a malignant and destructive giant, who delighted in afflicting the earth, at last rolled it up into a shapeless mass, and plunged down with it into the abyss. On this occasion there issued from the side of Brahma, a being shaped like a boar, white, and exceedingly small, which in the space of one hour grew to the size of an elephant of the largest magnitude, and remained in the air. This being, Brahma discovered to be Vishnu, who had assumed a body and become visible. Suddenly it uttered a sound like the loudest thunder, and the echo reverberated, and shook all the corners of the universe. Shaking the full-flowing mane which hung down his neck on both sides, and erecting the humid hairs of his body, he proudly displayed his two most exceedingly white tusks: then rolling round his wine-coloured eyes, and erecting his tail, he descended from the region of the air, and plunged head foremost into the water. The whole body of water was convulsed by the motion, and began to rise in waves, while the guardian spirit of the sea, being terrified, began to tremble for his domain, and cry out for quarter and mercy. At length, the power of the omnipotent having divided the water, and arriving at the bottom, he saw the earth lying, a mighty and barren stratum; then he took up the ponderous globe (freed from the water) and raised it high on his tusk: one would say it was a beautiful lotos blossoming on the tip of his tusk. In a moment, with one leap, coming to the surface, by the all-directing power of the Omnipotent Creator, he spread it, like a carpet, on the face of the water, and then vanished from the sight of Brahma.[1]

[1] For an account of this avatar, see an extract from the Mahabarat, Asiat. Research. i. 154; Bartolomeo's Travels, book ii. ch. 7. The peculiar description of the boar is taken from a translation by Mr. Halhed, of a passage in the Puranas, published in Maurice's Hindustan, i. 407.

Of the third avatar we have so particular and remarkable a description, that it merits uncommon regard.[1] The soors, a species of angels, and all the glorious host of heaven, sat on the summit of Mount Meru, a fictitious mountain, highly celebrated in the books of the Hindus, meditating the discovery of the Amreeta, that is, being translated, the water of immortality: when Narayan[2] said unto Brahma, Let the ocean, as a pot of milk, be churned by the united labour of the soors and asoors; and when the mighty waters have been stirred up, the Amreeta shall be found. A great mountain, named Mandar, was the instrument with which the operation was to be performed; but the dews[3] being unable to remove it, they had recourse to Vishnu and Brahma. By their direction, the king of the serpents lifted up that sovereign of mountains, with all its forests and inhabitants; and the soors and asoors having obtained permission of theking of the tortoises, it was placed for support on his back, in the midst of the ocean. Then the soors and asoors, using the serpent Vasookee for the rope, the asoors pulling by the head, and the soors by the tail, began to churn the ocean;[4] while there issued from the mouth of the serpent, a continued stream of fire, and smoke, and wind; and the roaring of the ocean,

[1] It is a passage translated from the Mahabarat, by Mr. Wilkins, in one of the notes to his translation of the Bagvat-Geeta, p. 145, 146, note 76.

[2] A name of Vishnu.

[3] Dew, written otherwise dewa, or deva, is a general name for a superior spirit.

[4] By twisting the serpent about the mountain, like a rope, and pulling it out first towards the one end, and then towards the other; which affords us a description of their real mode of churning. A piece of wood so formed as best to agitate the milk, was placed upright in the vessel, and a rope being twisted round it which two persons pulled alternately, one at the one end, and the other at the other, it was whirled round, and thus produced the agitation required.

violently agitated with the whirling of the mountain, was like the bellowing of a mighty cloud. Meanwhile a violent conflagration was raised on the mountain, by the concussion of its trees and other substances, and quenched by a shower which the lord of the firmament poured down; whence an heterogeneous stream of the concocted juices of various trees and plants, ran down into the briny flood. It was from this milk-like stream, produced from those juices, and a mixture of melted gold, that the soors obtained their immortality. The waters of the ocean, being now assimilated with those juices, were converted into milk, and a species of butter was produced, when the churning powers became fatigued; but Narayan endued them with fresh strength, and they proceeded with greater ardour to stir that butter of the ocean. First, arose from it the moon; next, Sree, the goddess of fortune; then the goddess of wine, and the white horse, Oochisrava; afterwards the jewel kowstoobh; the tree of plenty; and the cow that granted every heart's desire. Then the dew Dhanwantaree, in human shape, came forth, holding in his hand a white vessel filled with the immortal juice, amreeta; which, when the asoors beheld, they raised their tumultuous voices, and each of them clamorously exclaimed, This of right is mine! But as they continued to churn the ocean more than enough, a deadly poison issued from its bed, confounding the three regions of the world with its mortal stench, until Siva, at the word of Brahma, swallowed the fatal drug to save mankind. In the mean while a violent jealousy and hatred, on account of the amreeta, and the goddess Sree, sprung up in the bosoms of the asoors. But Narayan, assuming the form of a beautiful female, stood before them, whose minds becoming fascinated by her presence,

and deprived of reason, they seized the amreeta and gave it unto her. But a dreadful battle arose between the soors and asoors, in which Narayan, quitting the female figure, assisted the soors. The elements and powers of nature were thrown into confusion by the conflict; but with the mighty aid of Narayan, and his weapon chacra, which of itself, unguided even by a hand, performed miraculous exploits, the soors obtained the victory, and the mountain Mandar was carried back to its former station. The soors guarded the amreeta with great care; and the god of the firmament, with all his immortal hands, gave the water of life unto Narayan, to keep it for their use. This was the third manifestation of the Almighty, in the preservation and government of the world.

The fourth I shall describe with greater brevity. Hirinacherên, the gigantic ruler, who rolled up the earth, and plunged with it to the bottom of the abyss, left a younger brother Hirinakassup, who succeeded him in his kingdom, and refused to do homage to Vishnu, but persecuted his own son, who was an ardent votary of that god. I, said he, am lord of all this visible world. The son replied, that Vishnu had no fixed abode, but was present every where. Is he, said his father, in that pillar? Then let him come forth; and rising from his seat, he struck the pillar with his foot; upon which Vishnu, bursting from it, with a body like a man, but a head like a lion, tore Hirinakassup in pieces, and placed his son upon the throne.[1]

In the fifth, the sixth, and the seventh avatars, the Preserving Power appeared in human shapes for the destruction of impious and ferocious kings, per-

[1] Asiat. Research. i. 154.

forming many heroic and many miraculous deeds. But, after the examples which have already been given, a particular description of these extravagant legends would poorly compensate the toil of a perusal. The eighth, however, is one of the most celebrated of all the incarnations of Vishnu. He was born the son of Vasudeva and Devaci, of the royal family of Cansa, and obtained the name of Crishna. But as it had been predicted to Cansa, that one born of those parents would occasion his destruction, whence he had decreed the death of all their children, Crishna was secretly withdrawn, and brought up in the family of a shepherd or herdsman. Many and wonderful were the transactions of his childhood, in which the wanton pranks of the mischievous, but amiable boy, are not less distinguished, than the miraculous exploits of the god. When he grew up to youth, the indulgence of licentious love was his great occupation and enjoyment. It is a small part of the picture which I can, or which I need, to expose to view. The scenes with the young shepherdesses are painted by the Hindus in all the glowing colours of oriental poetry. A passage from a hymn, or divine song, translated by Sir William Jones, is in the following words: "With a garland of wild flowers, descending even to the yellow mantle that girds his azure limbs, distinguished by smiling cheeks, and by ear-rings that sparkle as he plays, Heri[1] exults in the assemblage of amorous damsels. One of them presses him with her swelling breast, while she warbles with exquisite melody. Another, affected by a glance from his eye, stands meditating on the lotos of his face. A third, on pretence of whispering a secret in his ear, approaches his temples and kisses them with

[1] A name of Vishnu.

ardour. One seizes his mantle, and draws him towards her, pointing to the bower on the banks of Yamuna, where elegant vanjulas interweave their branches. He applauds another who dances in the sportive circle, whilst her bracelets ring, as she beats time with her palms. Now he caresses one, and kisses another, smiling on a third with complacency; and now he chases her whose beauty has most allured him. Thus the wanton Heri frolics, in the season of sweets, among the maids of Vraja, who rush to his embraces, as if he were pleasure itself assuming a human form; and one of them, under a pretext of hymning his divine perfections, whispers in his ear: Thy lips, my beloved, are nectar."[1] I shall select but another instance, which is from the translation before us of the Bhagavat. "Crishna, finding himself on the banks of the Yamuna,[2] began to play on his pastoral flute. All the shepherdesses, filled with desire, ran in crowds to hear his enchanting sounds. Crishna, beholding them burning with desire, informed them, that it was contrary to the order established in the world, to quit their houses to seek the embraces of a lover. He added that their families might thus, if their husbands were jealous, be thrown into disorder, and disgrace come upon themselves. He advised them accordingly to return. The women replied, that their passion, it was true, were it for an ordinary man, would be criminal; but desiring to unite themselves with the absolute master of all things, they could not believe that such an impulse was any other than meritorious. In regard to their husbands, they could have no rights which tended to the exclusion of God. Crishna, who saw

[1] Asiat. Research. i. 187.

[2] This is spelt Emuney in the French translation.

BOOK II. CHAP. 6.

the innocence of their hearts, graciously gave them entire satisfaction; and by a miracle continually renewed, in all that multitude of women, each was convinced that she alone enjoyed the Deity, and that he never quitted her an instant for the embraces of another."[1] "Crishna," says Sir William Jones, "continues to this hour the darling god of the Indian women. The sect of Hindus," he adds, "who adore him with enthusiastic and almost exclusive devotion, have broached a doctrine which they maintain with eagerness, and which seems general in these provinces;[2] that he was distinct from all the avatars, who had only a portion of his divinity; while Crishna was the person of Vishnu himself in a human form."[3] "At a more advanced age," continues Sir William, "he put to death his cruel enemy, Cansa; and having taken under his protection the king Yudhisht'hir and the other Pandus, who had been grievously oppressed by the Curus, and their tyrannical chief, he kindled the war described in the great epic poem, entitled the Mahabharat, at the prosperous conclusion of which he returned to his heavenly seat in Vaicont'ha, having left the instructions comprised in the Gita with his disconsolate friend Arjoon."[4] He was after-

[1] Bagavadam, p. 60. This indeed was but a trifle; for with his 16,000 or 17,000 wives he could perform the same feat. See Halhed's translation of the Bhagavat, in Maurice's Hind. vol. ii.

[2] He means, the provinces where he then resided, Bengal, &c.

[3] Asiat. Research. i. 260.

[4] Ib. i. 261. He sometimes, however, met with severe repulses. "Calijun, a prince who resided in the western parts of India, was very near defeating his ambitious projects. Indeed, Crishna was nearly overcome and subdued, after seventeen bloody battles; and according to the express words of the Puranas, he was forced to have recourse to treachery; by which means Calijun was totally defeated in the eighteenth engagement." Wilford, on Chron. of Hindus, Asiat. Research. v. 288.

wards slain, being wounded by an arrow in the foot.[1]

The ninth incarnation of Vishnu, and the last, yet vouchsafed, of the Divine appearances, was in the person of Buddha. The object of this avatar is described in the following verse of a Hindu poet: "Thou blamest, Oh wonderful, the whole Veda, when thou seest, O kind-hearted, the slaughter of cattle prescribed for sacrifice, O Cesava,[2] assuming the body of Buddha. Be victorious, O Heri,[3] lord of the universe!"[4] But though Buddha is by the Hindus regarded as a manifestation of the Divine Being, the sect of Buddhists are regarded as heretical, and are persecuted by the Brahmens. It is conjectured that, at one time, a great number of them had been compelled to fly from the country, and spread their tenets in various directions.[5] The religion of Buddha is now found to prevail over the greater part of the East; in Ceylon, in the farther peninsula, in Thibet, in China, and even as far as

[1] Bagavadam, p. 313. "The whole history of Crishna," (says Anquetil Duperron, in his Observations on the Bhagavat, in the Recherches Historiques et Geographiques sur l'Inde) "is a mere tissue of Greek and Roman obscenities, covered with a veil of spirituality, which, among the fanatics of all descriptions, conceals the most abominable enormities." Speaking of a temple of Vishnu, at Satymangalam, in the Mysore, Dr. Buchanan says, "The rath, or chariot, belonging to it is very large, and richly carved. The figures on it, representing the amours of that god, in the form of Crishna, are the most indecent that I have ever seen." Buchanan's Journey through Mysore, &c. ii. 237.

[2] A name of Vishnu.

[3] Another name of Vishnu, vide supra, p. 306.

[4] Asiat. Research. ii. 121.

[5] "As to Buddha," says Sir William Jones, (Disc. on the Gods of Greece, Italy, and India) "he seems to have been a reformer of the doctrines contained in the Vedas; and, though his good nature led him to censure these ancient books, because they enjoined the sacrifices of cattle, yet he is admitted as the ninth avatar, even by the Brahmens of Casi."

Japan.[1] "The tenth avatar," says Sir William Jones, "we are told is yet to come, and is expected to appear mounted (like the crowned conqueror in the Apocalypse) on a white horse, with a cimeter blazing like a comet, to mow down all incorrigible and impenitent offenders who shall then be on earth."[2]

It will require the addition of but a few passages more of this wild mythology, to convey a satisfactory idea of the actions and qualities which the Hindus ascribe to their supreme deities. "It is related," says Mr. Wilford,[3] "in the Scanda,[4] that when the whole earth was covered with water, and Vishnu lay extended asleep in the bosom of Devi,[5] a lotos arose from his navel. Brahma sprang from that flower, and looking round without seeing any creature on the boundless expanse, imagined himself to be the first-born, and entitled to rank above all future beings. Resolving, however, by investigation, more fully to satisfy himself, he glided down the stalk of the lotos, and finding Vishnu asleep, asked loudly

[1] A controversy has been started, whether the religion of Buddha was derived from that of Brahma, or that of Brahma from the religion of Buddha. There seems little chance that data will ever be obtained, to prove either the one or the other. Clemens Alexandrinus would lead us to believe, that the religion of Buddha, in his time, must have been in high repute: Εισι δε των Ινδων, says he, (Strom. lib. i. p. 359) δι τοις Βουττα πειθομενοι παραγγελμασι, δν δι ὑπερβολην σεμνοτητος ὡς Θεον τετιμηκασι. (See also Hieronym. Cont. Jovian. lib. i. cap. 26.) This divinity was not confined to the Asiatics. There was a Butus, or Buto of Egypt, a Battus of Cyrene, and a Bœotus of Greece. (See Bryant's Analysis of Ancient Mythology, iii. 170.) One of the primitive authors of the sect of Manicheans took the name of Buddas; another that of Manes; both of them names identical with the names of gods and sacred beings among the Hindus. Beausobre Hist. de Manichee, liv. i. ch. i.

[2] Asiat. Research. i. 236. See also Ward's View, &c. of the Hindus, (i. 3. London Ed.) for an account of the ten avatars.

[3] Asiat. Research. iii. 374.

[4] One of the Puranas.

[5] This means literally the goddess.

who he was. I am the first-born, answered Vishnu, waking: and as Brahma contradicted him, they had an obstinate battle, till Mahadeva, or Siva, pressed between them in great wrath, saying, It is I who am truly the first-born: but I will resign my pretensions to either of you who shall be able to reach and behold the summit of my head, or the soles of my feet. Brahma instantly ascended; but having fatigued himself to no purpose in the regions of immensity, yet loth to abandon his claim, he returned to Mahadeva, and declared that he had attained the crown of his head, calling, as his witness, the first-born cow. For this union of pride and falsehood, the angry god ordained, that no sacred rites should be performed to Brahma. When Vishnu returned, he acknowledged that he had not been able to see the feet of Mahadeva, confessed him to be the first-born among the gods, and entitled to rank above them all."

After a passage such as this, who would expect to find the following? "The patriarch Atterien retired into a forest, and there performed rigorous devotion, having for his nourishment nothing but the wind, and being exposed to all the injuries of the atmosphere. One day he addressed his vows to the Eternal in these words: O thou who hast created, and who preservest the universe; O thou by whom it is destroyed; give me the knowledge of thyself, and grant me the vision of thee! Then a fire issuing from the crown of the votary's head, made all the gods tremble, and they had recourse to Vishnu, to Siva, and to Brahma. Those three divinities, completely armed and mounted, accompanied by Lacshmi, Guenga, and Seraswati, their wives, presented themselves before the saint. Prostrating himself, Atterien worshipped them, and uttered the following words: O you three Lords, know that I

BOOK II. CHAP. 6.

recognise only one God: inform me which of you is the true divinity, that I may address to him alone my vows and adorations! To this supplication the three Gods replied; Learn, O devotee, that there is no real distinction between us: what to you appears such is only by semblance: the Single Being appears under three forms; by the acts of creation, of preservation, and destruction: but he is One."[1] Yet this "Single" Being, this ONE God, is thus again represented, a few pages after, in the same Purana: "Even Brahma, finding himself alone with his daughter, who was full of charms and knowledge, conceived for her a criminal passion."[2] Thus are we taught by the Hindus themselves to interpret the lofty phrases which the spirit of exaggeration and flattery so frequently puts into their mouths.

Of the First-born, Mahadeva, or the One, Eternal God, under one of his forms, we have the following sacred story. He was playing one day at dice with Parvati,[3] when they quarrelled, and parted in wrath to different regions. They severally performed rigid acts of devotion, but the fires which they kindled blazed so vehemently as to threaten a general conflagration. The devas,[4] in great alarm, hastened to Brahma, who led them to Mahadeva, and supplicated him to recall his consort; but the wrathful deity only answered, that she must come by her own free choice. They accordingly dispatched Ganga, the river goddess, who prevailed on Parvati to return to him, on condition that his love for her should be restored. The celestial mediators then employed Camadeva,[5] who wounded Siva with one of his flowery arrows; but the angry divinity reduced him

[1] Bagavadam, p. 96, et seq. [2] Ib. 178.

[3] One of the names of his wife.

[4] A general name of the inferior gods. [5] One of the devas.

to ashes with a flame from his eye. Parvati soon after presented herself before him in the form of a Cirati, or daughter of a mountaineer, and seeing him enamoured of her, resumed her own shape.[1] Of the various passages of a similar nature presented to us in the history of this God, I shall content myself with another, extracted by Mr. Wilford, from the Scanda Purana. "There had subsisted," says he,[2] "for a long time, some animosity between Brahma and Mahadeva in their mortal shapes; and the latter, on account of his bad conduct, which is fully described in the Puranas, had it appears given much uneasiness to Swayambhuva, and Satarupa. For he was libidinous, going about stark-naked, with a large club in his hand. Be this as it may, Mahadeva, who was the eldest, saw his claim as such totally disregarded, and Brahma set up in his room. This intrusion the latter wanted to support; but made use of such lies as provoked Mahadeva to such a point, that he cut off one of his heads in his divine form." Such are the ideas which the Hindus entertain of the actions and character of their supreme deities; on whom, notwithstanding, they lavish all the most lofty epithets of divinity which human language can supply.

This theology affords a remarkable instance of that progress in exaggeration and flattery which I have described as the genius of rude religion. As the Hindus, instead of selecting one god, to whom they assigned all power in heaven and in earth, distributed the creation and administration of the universe among three divinities, they divided them-

[1] See this story as extracted from the Puranas, Asiat. Research. iii. 402.

[2] Ib. vi. 474.

BOOK II. CHAP. 6.

selves into sects; and some attached themselves more particularly to one deity, some to another.[1]

[1] Mr. Paterson, in his Discourse on the Origin of the Hindu Religion, delineates a terrible picture of this Hindu controversy. The people separated, he tells us, "into sects, each selecting one of the triad, the particular object of their devotion, in preference to and exclusive of the others: the followers of Vishnu and Siva invented new symbols, each, to ascribe to their respective divinity the attribute of creation. This contention for pre-eminence ended in the total suppression of the worship of Brahma, and the temporary submission of Vishnu to the superiority of Siva; but this did not last long; the sects raised crusades against each other; hordes of armed fanatics, under the titles of Sanyasis and Vairagis, enlisted themselves as champions of their respective faith; the former devoted their lives in support of the superiority of Siva; and the latter were no less zealous for the rights of Vishnu: alternate victory and defeat marked the progress of a religious war, which for ages continued to harass the earth, and inflame mankind against each other." Asiat. Research. viii. 45, 46. Dr. Buchanan informs us, "That the worshippers of the two gods (Vishnu and Siva,) who are of different sects, are very apt to fall into disputes, occasioning abusive language and followed by violence; so that the collectors have sometimes been obliged to have recourse to the fear of the bayonet, to prevent the controversy from producing bad effects." Buchanan's Journey through Mysore, &c. i. 13. The missionary Dubois observes, that "we see the two sects striving to exalt the respective deities whom they worship, and to revile those of their opponents. . . . . The followers of Vishnu vehemently insist that he is far superior to Siva, and is alone worthy of all honour. . . . . The disciples of Siva, on the contrary, no less obstinately affirm that Vishnu is nothing, and has never done any act, but tricks so base as to provoke shame and indignation," &c. Description, &c. of the People of India, p. 58. See too the Missionary Ward, View, &c. of the Hindoos. Lond. Ed. Introd. p. 27.

The preface to (*Bhagavadam*) the French translation of the Bhagavat, by M. D'Obsonville, says, "The Indians are divided into two orthodox sects, which, however, violently oppose one another; the one asserting the supremacy of Vishnu, the other of Siva. * * The Puranas," it says, "differ in their interpretations of the Vedas, some of them giving the supremacy to Brahma, some to Vishnu, and some to Siva. These books are, properly speaking, pieces of controversial theology. The Brahmens, who composed them, disputing to which of their three gods the supremacy belongs, support the pretensions of each by an enormous mass of mythological legends, and mystical opinions, in favour of the God whom the author adopts. All are equally supported by the authority of the Vedas."

Mr. Colebrooke, describing the different sects of the Hindus, informs

Presently the usual consequence appeared. Whichever of the three gods any votary selected for his peculiar patron, he expected to perform to him one of the most agreeable of all possible services, by representing him as superior to the other two. This we find to have been the practice, invariably, and enthusiastically. In a passage from the Scanda Purana, one of the sacred books in honour of Siva, we have seen by what legends his votaries endeavour to elevate him above Brahma, and Vishnu; while he cuts off the head of the one for contesting with him the supremacy, and has it expressly yielded up to him by the other. It is not, however, sufficient that the favourite god should be only superior to the rest; whatever honour is derived from their actions, that too must be claimed for him; and he is asserted to be himself the author of all their achievements.

A still higher strain of flattery succeeds. Not only must he absorb their actions, it is accounted still nobler if he can be asserted to absorb even themselves; if Siva, for example, can be affirmed, not only to be Siva, and to be at once creator, preserver, and destroyer, but can be declared to be Brahma, Vishnu, and Siva themselves. Beyond even this, a step remains. In the same manner as he absorbs the gods, he is finally made to absorb every thing. He is asserted to be the universe itself. He is then all in

us that "Sancara Acharya, the celebrated commentator on the Veda, contended for the attributes of Siva, and founded or confirmed the sect of Saivas, who worship Mahadeva as the Supreme Being, and deny the independent existence of Vishnu and other Deities. Madhava Acharya and Vallabha Acharya have in like manner established the sect of Vaishnavas who adore Vishnu as God. The Suras (less numerous than the two sects above mentioned) worship the sun, and acknowledge no other divinity. The Ganahatyas adore Ganesa, as uniting in his person all the attributes of the Deity." Note A. on the Religious Ceremonies of the Hindus. Asiat. Research. vii.

BOOK II. CHAP. 6.

all. We shall find this process pursued with the Hindu divinities, one after another. In another sacred book,[1] dedicated to Siva, that god is made to declare, "I have always been, and I always am, and I always will be. There is no second of whom I can say that I am he, and that he is I. I am the within of all the withins. I am in all surfaces. Whatever is I am; and whatever is not I am. I am Brahma; and I am also Brahme; and I am the causing cause. Whatever is in the east I am; and whatever is in the west I am; and whatever is in the south I am; and whatever is in the north I am. Whatever is below I am; and whatever is above I am. I am man, and not man, and woman. I am the truth; I am the ox; and I am all other animated beings. I am more ancient than all. I am the king of kings. And I am in all the great qualities. I am the perfect being. Whatever has been, Rudra[2] is; and whatever is he is; and whatever shall be he is. Rudra is life, and is death; and is the past, present, and future; and is all worlds."[3] But if the votaries of Siva, with exaggerating devotion, thus infinitely exalt him above all; the same, or, if possible, still greater honours, do the adorers of Vishnu lavish upon that divinity. "Let it not be thought," says the Bhagavat, "that Vishnu is only one of the three divinities, or triple powers. Know that he is the principle of all. It is he who created the universe by his productive power; it is he who supports all by his preserving power; it is he, in fine, who destroys all by his destructive power. He

[1] The Oupnekhat, of which an ancient version into the Persian language has been found. Anquetil Duperron published first some specimens of a translation from this in the Recherches Historiques et Geographiques sur l'Inde, and has since published a translation of the whole in Latin. There is a translation of it likewise among the late Mr. Allein's manuscripts in the British Museum.

[2] One of the many names of Siva, or Mahadeva.

[3] Oupnekhat, ix.

creates under the form of Brahma, and destroys under that of Siva. The productive power is more excellent than the destructive, and the preserving more excellent than the productive. To the name of Vishnu, therefore, is attached the pre-eminence, since the title of preserver or saviour is peculiarly attributed to him."[1] In the Bhagvat-Geeta, Crishna is thus addressed; "O mighty being! who, greater than Brahma, art the prime creator! eternal god of gods! the world's mansion! thou art the incorruptible being distinct from all things transient! Thou art before all gods, and the supreme supporter of the universe! Thou knowest all things! By thee, O infinite form! the universe was spread abroad. Thou art Vayoo the god of winds, Agnee the god of fire, Varoon the god of oceans, Sasanka the moon, Prajapatee the god of nations! Reverence be unto thee before and behind, reverence be unto thee on all sides, O thou who art all in all! Infinite is thy power and thy glory! Thou includest all things, wherefore thou art all things."[2] In a Sanscrit inscription taken from a stone

[1] Bagavadam, p. 8, 9.

[2] Bhagvat-Geeta, p. 94: see similar strings of praises, Ibid. pp. 84 to 88; pp. 78, 79; p. 70. At p. 80 he is denominated, "The father and the mother of this world;" which affords another curious coincidence with the phraseology of other religions. The Orphic verses περι φυσεως make Jupiter the "father and mother of all things:"

Παντων μεν συ πατηρ, μητηρ, &c.—Hymn. ix. ver. 18.

Valerius Soranus calls Jupiter "the father and mother of the gods:"

Jupiter omnipotens, regum Rex ipse, Deûmque
Progenitor, Genetrixque Deûm; Deus unus et idem.

Apud Augustin. de Civitat. Dei, lib. iv. cap. xi. et lib. vii. cap. ix.

Synesius uses similar language:

Συ πατηρ, συ δ' εσσι μητηρ,
Συ δ' αρσην, συ δε θηλυς.—Synes. Hymn. iii.

Even Martial, in a sort of a Hymn, or eulogy upon Mercury, beginning

Hermes Martia seculi voluptas,
Hermes omnibus eruditus armis;
&c. &c., ends thus,
Hermes omnia solus, et ter unus—Mart. Ep. lib. iv. ep. 25.

"De Deo, ejusque cultu, ita Chaldæos tradidisse referunt; I. *Esse*

at Buddha Gaya, Buddha is thus addressed; "Reverence be unto thee, O god, in the form of the god of mercy; the lord of all things, the guardian of the universe. Thou art Brahma, Vishnu, and Mahesa.[1] Thou art lord of the universe! Thou art, under the proper form of all things, moveable and immoveable, the possessor of the whole!"[2]

Among the numerous expressions of panegyric and adoration which the Hindus apply to their divinities, none seem to have made a deeper impression upon some of the most intelligent of our English inquirers, than the epithet ONE. This has so far prevailed as to impress them with a belief that the Hindus had a refined conception of the unity of the Divine Nature. Yet it seems very clear that the use of such an epithet is but a natural link in that chain of unmeaning panegyric which distinguishes the religion of ignorant men. When one divinity has been made to engross the powers of all the rest, it is the necessary termination of this piece of flattery, to denominate him THE ONE. Oriental scholars ought moreover to have reflected that *one* is an epithet of very common, and vague application in the languages of Asia; and is by no means a foundation whereon to infer among the Hindus any conception analogous to that which we denote by the term unity of God. The translation of the Institutes of Menu affords us a very satisfactory example; "Then only is a man perfect when he consists of three persons united, his wife, himself, and his son; and thus have learned Brahmens announced this—the husband is even ONE with his wife."[3] Yet

Deum omnium regem, parentemque, cujus providentia universorum ordo atque ornatus factus est.—Bruckeri Hist. Crit. Philosophiæ, lib. ii. cap. ii. sect. 18.

[1] Another name for Siva.

[2] Asiat. Research. i. 284, 285.

[3] Institutes of Menu, ch. ix. 45.

surely no unity of being was supposed in this triune person, *a man, his wife, and his son.* Ad, we are informed by Macrobius, was among the Assyrians a word which signified *one*, and was a name conferred by them upon their chief divinity.[1] The Babylonians applied it to their principal goddess.[2] The god Rimmon, as we learn from the Bible, had the same epithet.[3] Mr. Bryant says it was a sacred title among all the Eastern nations, and originally conferred upon the sun.[4] Even the Greek poets, who have never been suspected of refined notions of the unity of God, employ it to profusion. It is applied to Jupiter, to Pluto, to the sun, to Dionysius.[5] All the gods are affirmed to be one.[6] "One power," says the Orphic poetry, "one divinity, Jupiter is the great ruler of all."[7] Plutarch informs us that Apollo was frequently denominated the *monad*, or the ONLY ONE;[8] and from the emperor Julian we learn, that the people of Edessa had a god whom they called MONIMUS, a word of the same interpretation.[9] Few nations shall we find without a knowledge of the unity of the Di-

[1] Deo, quem summum maximumque venerantur, Adad nomen dederunt. Ejus nominis interpretatio significat *unus*. Macrob. Satur. lib. i. cap. 23. This reduplication Mr. Bryant, with good reason, supposes to be a superlative, but is wrong in supposing it an ordinal, i. 29.

[2] Αδα, ἡδονη· και ὑπο Βαβυλωνιων ἡ Ηρα. Hesychius, ad verb. The Greeks gave it, for a feminine application, a feminine termination.

[3] Zechariah, ch. xii. ver. 11. "As the mourning of Adad Rimmon, in the valley of Megiddon."

[4] Analysis of Ancient Mythology, i. 29.

[5] Ἑις Ζευς, ἑις Αϊδης, ἑις Ἡλιος εις Διονυσος,
Ἑις θεος εν παντεσσι.—Orph. Frag. iv. p. 364.

[6] Πλουτων, Περσεφονη, Δημητηρ, Κυπρις, Ερωτες,
Τριτωνες, Νηρευς, Τηθυς, και Κυανοχαιτης,
Ἑρμης θ', Ἡφαιστος τε κλυτος, Παν, Ζευς τε, και Ἡρη
Αρτεμις, ηδ' Εκαεργος Απολλων, ἑις θεος εστι.—Hermesianax.

[7] Orphic. Fragm, vi. 366.

[8] Την ΜΟΝΑΔΑ τους ανδρας ονομαζειν Απολλωνα.—Plutarch. Isis et Osiris, 354.

[9] Orat. iv. p. 150. See note 2, in page 317, where Mercury is denominated the *Thrice-one*.

vine Nature, if we take such expressions of it as abound in the Hindu writings for satisfactory evidence. By this token Mr. Park found it among the savages of Africa.[1]

In pursuance of the same persuasion, ingenious authors have laid hold of the term Brahme, or Brahm, the neuter of Brahma, the masculine name of the creator.[2] This they have represented as the peculiar appellation of the *one* god; Brahma, Vishnu, and Siva, being only names of the particular modes of divine action. But this supposition (for it is nothing more) involves the most enormous inconsistency; as if the Hindus possessed refined notions of the unity of God, and could yet conceive his modes of action to be truly set forth in the characters of Brahma, Vishnu, and Siva; as if the same people could at once be so enlightened as to form a sublime conception of the Divine nature, and yet so stupid as to make a distinction between the character of God and his modes of action. The parts of the Hindu writings, however,

[1] "The belief of ONE GOD," says he, "and of a future state of reward and punishment, is entire and universal among them." Park's Travels in Africa, p. 273.

[2] Sir W. Jones says, (Discourse on the Gods of Greece, Italy, and India,) "It must always be remembered, that the learned Indians, as they are instructed by their own books, in truth acknowledge only one supreme being, whom they call Brahme, or the *Great One*, in the neuter gender: they believe his essence to be infinitely removed from the comprehension of any mind but his own; and they suppose him to manifest his power by the operation of his divine spirit: whom they name Vishnu, the *Pervader*, in the masculine gender, whence he is often denominated the first male. * * * * * When they consider the Divine Power exerted in creating, or in giving existence to that which existed not before, they call the Deity Brahma, in the masculine gender also; and when they view him in the light of *Destroyer*, or rather *changer* of forms, they give him a thousand names, of which Siva, Isa or Iswara, Rudra, Hara, Sambhu, and Mahadeva, or Mahesa, are the most common." Mr. Wilford (Asiat. Research. iii. 370) says that Brahma, Vishnu, and Mahadeva, "are only the principal forms, in which the Brahmens teach the people to adore Brahm, or the great one."

which are already before us, completely refute this gratuitous notion, and prove that Brahme is a mere unmeaning epithet of praise, applied to various gods; and no more indicative of refined notions of the unity, or any perfection of the Divine Nature, than other parts of their panegyrical devotions. We have already beheld Siva decorated with this title.[1] Vishnu is denominated the supreme Brahme in the Bhagvat-Geeta.[2] Nay, we find this Brahme, the great, the

[1] Vide supra, p. 316.

[2] Bhagvat-Geta, p. 84 The term Para Brahme, or Great Brahme, is applied, not once, but many times to Crishna, in the Bhagavat. See Halhed's translation in Maurice's Hindostan, ii. 342, 351, 354, 360, 375, 377, 379, 380, 417, 444. "The Sri Vaishnavam Brahmens," says Dr. Buchanan (Journey through Mysore, &c. i. 144), "worship Vishnu and the gods of his family only, and all over the Decan are almost exclusively the officiating priests in the temples of these deities. They allege Brahma to be a son of Vishnu, and Siva the son of Brahma. Vishnu they consider as the same with Para Brahmă" (thus Dr. Buchanan spells it instead of Brahme) "or the supreme Being." Yet of this supreme Being, this Para Brahma, they believe as follows; "One of the Asuras, or demons, named Tripura, possessed a city, the inhabitants of which were very troublesome to the inhabitants of Brahma Loka, the heaven of Brahma, who attempted in vain to take the place; it being destined not to fall, so long as the women who resided in it should preserve their chastity. The angels at length offered up their prayers to Vishnu, who took upon himself the form of a most beautiful young man, and became Budha Avatara. Entering then into the city, he danced naked before the women, and inspired them with loose desires, so that the fortress soon fell a prey to the angels." Ibid. Even Vach, the daughter of Ambhrina, is decorated with all the attributes of divinity. Mr. Colebrooke gives us the following literal version of a hymn in one of the Vedas, which Vach, he informs us, "speaks in praise of herself as *the supreme and universal soul*" [the title which, it is pretended, exclusively belongs to Brahme]—"I range with the Rudras, with the Vasus, with the Adityas, and with the Viswadevas. I uphold both the sun and the ocean [metra and varuna], the firmament, and fire, &c. * * Me who am the queen, the conferrer of wealth, the possessor of knowledge, and first of such as merit worship, the gods render, universally, present everywhere, and pervader of all beings. He, who eats food through me, as he, who sees, who hears, or who breathes, through me, yet knows me not, is lost; hear then the faith which I pronounce. Even I declare *this Self*, who is worshipped by gods and men. I make strong whom I choose; I make him Brahme, holy and wise. For Rudra I bend the bow, to slay the demon, foe of

BOOK II. CHAP. 6.

eternal ONE, the supreme soul, employed in rather a subordinate capacity. "The Great Brahm," says Crishna, "is my womb. In it I place my fœtus; and from it is the production of all nature. The great Brahm is the womb of all those various forms which are conceived in every natural womb, and I am the father who soweth the seed."[1] In one of the morn-

Brahma: for the people I make war on their foes; and I pervade heaven and earth. I bore the father on the head of this universal mind; and my origin is in the midst of the ocean: and therefore do I pervade all beings, and touch this heaven with my form. Originating all beings, I pass like the breeze; I am above this heaven, beyond this earth; and what is the GREAT ONE, that am I." Asiat. Research. viii. 402, 403. Mr. Colebrooke says that Vach signifies speech, and that she is personified as the active power of Brahma, proceeding from him. Ibid. There is a curious passage, descriptive of the universal soul, translated from the Vedas by Mr. Colebrooke. Several persons "deeply conversant with holy writ, and possessed of great dwellings, meeting together engaged in this disquisition; what is our soul? and who is Brahme?" Going together for information to a profound sage, they addressed him thus; "Thou well knowest the universal soul, communicate that knowledge unto us." The sage asked each of them, "whom he worshipped as the soul." The first answered, "the heaven." But the sage replied, that this was only the head of the soul. The second declared that he worshipped "the sun as the soul." But the sage told him, this was only the eye of the soul. The third said that he worshipped "air as the soul;" and the sage answered, that this was only the breath of the soul. The fourth declared that he worshipped "the ethereal element as the soul." But the sage replied that this was only the trunk of the soul. The fifth answered, that he worshipped "water as the soul." But the sage rejoined that this was only the abdomen of the soul. The sixth informed him that he worshipped "earth as the soul." But the sage declared that this was only the feet of the soul. The sage next proceeds to deliver his own explanation; and utters a jargon, which has not even a semblance of meaning. "He thus addressed them collectively: You consider this universal soul, as it were an individual being; and you partake of distinct enjoyments. But he who worships as the universal soul, that which is known by its manifested portions, and is inferred from consciousness, enjoys nourishment in all worlds, in all beings, in all souls: his head is splendid like that of this universal soul; his eye is similarly varied; his breath is equally diffused; his trunk is no less abundant; his abdomen is alike full; and his feet are the earth; his breast is the altar; his hair is the sacred grass; his heart the household fire; his mind the consecrated flame; and his mouth the oblation."

[1] Ib. p. 107.

ing prayers of the Brahmens, cited from the Vedas by Mr. Colebrooke, water is denominated Brahme.[1] "The sun," says Yajnyawalcya, "is Brahme; this is a certain truth revealed in the sacred Upanishats, and in various sac'has of the Vedas. So the Bhawishya Purana, speaking of the sun: Because there is none greater than he, nor has been nor will be, therefore he is celebrated as the supreme soul in all the Vedas."[2] Air, too, receives the appellation of Brahme. Thus, says a passage in the Veda; "That which moves in the atmosphere is air, *Brahme*.[3] Thus again; "Salutation unto thee, O air! Even thou art Brahme, present to our apprehension. Thee I will call, 'present Brahme:' thee I will name, 'the right one:' thee I will pronounce, 'the true one.' May that Brahme, the universal being entitled air, preserve me."[4] Food too is denominated Brahme; so is breath, and intellect, and felicity.[5] Nay, it is affirmed, as part of the Hindu belief, that man himself may become Brahme; thus in the Bhagvat-Geeta Crishna declares: "A man being endowed with a purified understanding, having humbled his spirit by resolution, and abandoned the objects of the organs; who hath freed himself from passion and dislike, who worshippeth with discrimination, eateth with moderation, and is humble of speech, of body, and of mind; who preferreth the devotion of meditation, and who constantly placeth his confidence in dispassion; who is freed from ostentation, tyrannic strength, vain glory, lust, anger, and avarice; and who is exempt from

[1] Asiat. Research. v. 349.

[2] An extract from a Sanscrit commentary by Mr. Colebrooke, Asiat. Research, v. 352.

[3] Asiat. Res. viii. 417. [4] Ib. 456.

[5] Extract from the Vedas by Mr. Colebrooke, Asiat. Research. viii. 455, 456.

selfishness, and in all things temperate, is formed for being Brahm."[1]

Such are the proofs on which the opinion has been adopted that sublime principles run through the religion of the Brahmens.[2] I know no supposition

[1] Bhagvat-Geeta, p. 131, 132.

[2] Sir W. Jones seems to have found proofs of a pure theism almost every where. Speaking of the Arabs, he says, "The religion of the poets, at least, seems to have been pure theism; and this we may know with certainty, because we have Arabian verses of unsuspected antiquity, which contain pious and elevated sentiments on the goodness and justice, the power and omnipotence, of Allah, or *the God.* If an inscription said to have been found on marble in Yemen be authentic, the ancient inhabitants of that country preserved the religion of Eber, and professed a belief in miracles, and a future state." (As. Res. ii. 8.) Did Sir W. not know that the wildest religions abound most in miracles, and that no religion is without a belief of a future state? Did it want an inscription in Yemen to prove to us this? Sir W. finds proofs of a pure theism as easily among the Persians as among the Arabs. "The primeval religion of Iran," he says, "if we rely on the authorities adduced by Mohsani Fani, was that which Newton calls the oldest (and it may be justly called the noblest) of all religions: A firm belief that one supreme God made the world by his power, and continually governed it by his providence; a pious fear, love, and adoration of him; a due reverence for parents and aged persons; a fraternal affection for the whole human race, and a compassionate tenderness even for the brute creation." Yet under Hushang, who, it would appear, was the author of this primeval religion, he tells us, that the popular worship of the Iranians was purely Sabian. (Ibid. p. 58.) At the same time he assures us, that during his supposed Mahabadian dynasty, when this Hushangism and Sabianism existed, a Brahmenical system prevailed, "which we can hardly," he says, "doubt was the first corruption of the oldest and purest religion." (Ibid. p. 59.) By this account three different religions must have all been the prevalent religions of Persia, at one and the same time. Unless (which is not a theory with slight presumptions in its favour) we conclude that all three were originally one and the same.—Even on the most sober-minded and judicious men, the lofty language of a mean superstition is calculated to impose. The industrious and intelligent Harris, in his account of the travels of William de Rubruquis, states it as his opinion, "after all the pains that he had been able to take, in order to obtain some sort of certainty on this head," that the religion of the Tartars includes these three points: "First,—that there is one God, the fountain of being, the creator of all things, the ruler of all things, and the sole object of Divine worship. Secondly,—That all men in general are his creatures, and therefore ought to consider each other as brethren descended from one common parent, and alike entitled to all the blessings he bestows; and

which can be employed to reconcile the inconsistencies, and to remove the absurdities, which we have found this opinion to involve, unless it be assumed, that the legends of the Hindus are all allegorical; and though, in their literal interpretation, they may be altogether unworthy of a perfect being, that yet a recondite and enigmatical meaning may be extorted from them, which will tally with the sublime hypothesis it is wished to entertain. Undoubtedly, if we assume to ourselves the licence of giving to the Hindu mythology a meaning to suit our own views, we may form out of it not only a sublime theology, but a sublime philosophy, or any thing we please. It might, however, have been imagined that the futility, the absurdity, of these arbitrary interpretations had been too well exposed to allow them to mislead such men as some of the advocates for the allegorical sense of the Hindu scriptures. The latter Platonists, and other refiners upon the mythology of Greece and Rome, drew from it a pure system of theology, by the very same process which is adopted and recommended in regard to the fables of the Hindus. "Without a tedious detail," says Mr. Gibbon, "the modern reader could not form a just idea of the strange allusions, the forced etymologies, the solemn trifling, and the impenetrable obscurity of these sages, who professed to reveal the system of the universe. As the traditions of Pagan mythology were variously related, the sacred interpreters were at liberty to select the most

that therefore it is great impiety to abuse those blessings, or to injure each other. Thirdly,—That in as much as the common reason of mankind hath taught them to establish property, it is necessary that it should be preserved, and that it is therefore the duty of every man to be content with his own." (See Harris's Collection of Voyages, vol. i.) Les Moskaniens m'ont tous assurés unanimement, qu'ils n'avoient jamais eu d'idoles, ni de divinités subalternes, mais qu'ils sacrifioient uniquement à un être suprême et invisible. Pallas, Voyage, i. 126.

BOOK II. CHAP. 6.

convenient circumstances; and as they translated an arbitrary cipher, they could extract from *any* fable *any* sense which was adapted to their favourite system of religion and philosophy. The lascivious form of a naked Venus was tortured into the discovery of some moral precept, or some physical truth; and the castration of Atys explained the revolution of the sun between the tropics, or the separation of the human soul from vice and error."[1] But if a condemnation thus severe can be justly pronounced upon those who allegorize the Greek and Roman mythology, what judgment should be formed of those by whom the same mode of interpretation is applied to the fables of the Hindus?[2] The Egyptian religion is allowed on all hands to have possessed the same fundamental principles with the Hindu, and to have resembled it remarkably in its outward features: yet, of all the systems of superstition which were found within the Roman empire, Mr. Gibbon pronounces this to be "the most contemptible and abject."[3] There are satisfactory reasons for supposing that improvement in the language of the Brahmens, and refinement in the interpretations which they put upon their ancient writings, not to speak of what may have been done by their favourite practice of interpolation, have been suggested by the more rational and simple doctrines of Mahomet.[4] The natural

[1] Gibbon's Hist. of the Decl. and Fall of the Rom. Emp. iv. 71.

[2] The Hindu ideas are so extremely loose, vague, and uncertain, that they are materials unspeakably convenient for workmanship of this description. "The Hindu religion," says an Oriental scholar of some eminence, "is so pliant, *that there is scarcely an opinion it will not countenance.*" A Tour to Shiraz by Edward Scott Waring, Esq. p. 3, note.

[3] Gibbon's Hist. of the Decl. and Fall of the Rom. Emp. i. 52.

[4] Besides the invincible reasons afforded by the circumstances of the case, the artful pretences and evasions of the Brahmens are evidence enough. Mr. Wilford, having stated the general opinion, that the three

effect of acquaintance with a superior creed is well described by Mr. Bryant. "It is to be observed," he says, "that when Christianity had introduced a more rational system, as well as a more refined worship, among mankind; the Pagans were struck with the sublimity of its doctrines, and tried in their turns to refine. But their misfortune was, that they were obliged to abide by the theology which had been transmitted to them; and to make the history of the Gentile Gods the basis of their procedure. This brought them into immense difficulties and equal absurdities: while they laboured to solve what was inexplicable; and to remedy what was past cure. Hence we meet with many dull and elaborate sophisms even in the great Plutarch: but many more in after times, among the writers of whom I am speaking. Proclus is continually ringing the changes upon the terms νοος, νοερος, and νοητος: and explains what is really a proper name, as if it signified *sense* and *intellect*. In consequence of this, he tries to subtilize and refine all the base jargon about Saturn and Zeus: and would persuade us that the most idle and obscene legends related to the divine mind, to the eternal wisdom, and supremacy of the Deity. Thus he borrows many exalted notions from Christianity; and blends them with the basest alloy, with the dregs of Pagan mythology."[1] Such are the

principal gods of Egypt resolve themselves into one, namely, the sun, says, "The case was nearly the same in ancient India; but there is no subject on which the modern Brahmens are more reserved; for when they are closely interrogated on the title of Deva or God, which their most sacred books give to the sun, they avoid a direct answer, have recourse to evasions, and often contradict one another and themselves. They confess, however, unanimously, that the sun is an emblem or image of the three great divinities jointly and individually; that is of Brahme, or the supreme one." Asiat. Res. iii. 372.

[1] Bryant's Analysis of Ancient Mythology, iii. 104, 105.

BOOK II. CHAP. 6.

opinions of the greatest men respecting those attempts to allegorize a rude superstition, which some of the most celebrated of our Indian guides so vehemently recommend.[1]

Of the pure and elevated ideas of the Divine Nature, which are ascribed to the Hindus, or to any other people, an accurate judgment may be formed, by ascertaining the source from which they are de-

[1] Mr. Halhed very judiciously condemns the project to allegorize and refine upon the Hindu mythology. "Many conjectural doctrines," says he, "have been circulated by the learned and ingenious of Europe upon the mythology of the Gentoos; and they have unanimously endeavoured to construe the extravagant fables with which it abounds into sublime and mystical symbols of the most refined morality. This mode of reasoning, however common, is not quite candid or equitable, because it sets out with supposing in those people a deficiency of faith with respect to the authenticity of their own scriptures, which, although our better information may convince us to be altogether false and erroneous, yet are by them literally esteemed as the immediate revelations of the Almighty. * * * It may possibly be owing to this vanity of reconciling every other mode of worship to some kind of conformity with our own, that allegorical constructions and forced allusions to a mystic morality have been constantly foisted in upon the plain and literal context of every Pagan mythology. * * * The institution of a religion has been in every country the first step towards an emersion from savage barbarism. * * The vulgar and illiterate have always understood the mythology of their country in its literal sense; and there was a time to every nation, when the highest rank in it was equally vulgar and illiterate with the lowest. * * * A Hindu esteems the astonishing miracles attributed to a Brihma, a Raam, or a Kishen, as facts of the most indubitable authenticity, and the relation of them as most strictly historical." Preface to Code of Gentoo Laws, p. xiii. xiv. On the religion of ancient nations, Voltaire says with justice, On pourroit faire des volumes sur ce sujet; mais tous ces volumes se reduisent a deux mots, c'est que le gros du genre humain a été et sera tres long-temps insensé et imbecile; et que peut-être les plus insensés de tous ont été ceux qui ont voulu trouver un sens à ces fables absurdes, et mettre de la raison dans la folie. Voltaire, Philosophie de l'Histoire, Œuvres Completes, à Gotha, 1785, tom. xvi. p. 22. Mr. Wilkins, reprobating some other attempts at refinement on the Hindu text, says "he has seen a comment, by a zealous Persian, upon the wanton odes of their favourite poet Hafiz, wherein every obscene allusion is sublimated into a divine mystery, and the host and the tavern are as ingeniously metamorphosed into their prophet and his holy temple." Bhagvat-Geeta, note 114.

rived. It will be allowed that just and rational views of God can be obtained from two sources alone: from revelation; or, where that is wanting, from sound reflection upon the frame and government of the universe. Wherever men are sufficiently improved to take a comprehensive survey of this magnificent system, to observe the order which prevails, the adaptation of means to ends, and the incredible train of effects which flow from the simplest causes; they may then form exalted notions of the intelligence to which all those wonders are ascribed. If all the unrevealed knowledge which we possess respecting God, the immediate object of none of our senses, be derived from his works, they whose ideas of the works are in the highest degree absurd, mean, and degrading, cannot, whatever may be the language which they employ, have elevated ideas of the author of those works. It is impossible for the stream to ascend higher than the fountain. The only question therefore is, what are the ideas which the Hindus have reached concerning the wisdom and beauty of the universe. To this the answer is clear and incontrovertible. No people, how rude and ignorant soever, who have been so far advanced as to leave us memorials of their thoughts in writing, have ever drawn a more gross and disgusting picture of the universe than what is presented in the writings of the Hindus.[1] In the

[1] Even Mr. Maurice says; "The Hindu notions of the mundane system are altogether the most monstrous that ever were adopted by any beings, who boast the light of reason; and, in truth, very little reconcileable with those sublime ideas we have been taught to entertain of the profound learning and renowned sagacity of the ancient Brahmens." Maurice, Hist. of Hindost. i. 490. I have met with nothing in Sanscrit literature in any degree to be compared with the following reflection of a Peruvian Inca, "If the heaven be so glorious, which is the throne and seat of the Pachacamac, how much more powerful, glittering, and resplendent must his person and majesty be, who was the maker and

BOOK II. CHAP. 6.

conception of it no coherence, wisdom, or beauty, ever appears: all is disorder, caprice, passion, contest, portents, prodigies, violence, and deformity.[1] It is per-

creator of them all. Other sayings of his were these, *If I were to adore any of these terrestrial things, it should certainly be a wise and discreet man, whose excellencies surpass all earthly creatures."* Garcilasso de la Vega, Royal Commentaries of Peru, book iv. ch. 19. There is a passage which I have read since this was written, (which however may well be suspected of flowing at a recent date from a foreign source) translated by Mr. Ward, from a work by Chirunjeevu, in which the inference that a God exists because the universe exists, is very distinctly expressed. Ward's View, &c. ii. 302. Lond. Ed.

1 In my researches concerning the religious ideas of the Hindus, I was much struck with the title of a chapter or lecture in the Bhagvat-Geeta, "Display of the Divine Nature in the form of the universe." I seized it with eagerness: Here, I thought, will undoubtedly be found some reflections on the wisdom and order of the universe: I met with only the following monstrous exhibition: "Behold," says Vishnu, in the form of Crishna, to Arjoon, "behold things wonderful, never seen before. Behold in this my body the whole world animate and inanimate, and all things else thou hast a mind to see. But as thou art unable to see with these thy natural eyes, I will give thee a heavenly eye, with which behold my divine connection."—After this Arjoon declares, "I behold, O god! within thy breast, the dews assembled, and every specific tribe of beings. I see Brahma, that deity sitting on his lotus-throne; all the Reeshees [saints] and heavenly Ooragas [serpents]. I see thyself, on all sides, of infinite shape, formed with abundant arms and bellies, and mouths, and eyes; but I can neither discover thy beginning, thy middle, nor again thy end, O universal lord, form of the universe! I see thee with a crown, and armed with club and chacra, [the martial weapon of Crishna, a sort of discus or quoit,] a mass of glory, darting refulgent beams around. I see thee, difficult to be seen, shining on all sides with light immeasurable, like the ardent fire or glorious sun. Thou art the supreme being, incorruptible, worthy to be known! Thou art prime supporter of the universal orb! Thou art the never-failing and eternal guardian of religion! Thou art from all beginning, and I esteem thee Pooroosh [literally *man*, but here meant to express the vital soul]. I see thee without beginning, without middle, and without end; of valour infinite; of arms innumerable; the sun and moon thy eyes; thy mouth a flaming fire, and the whole world shining with thy reflected glory! The space between the heavens and the earth is possessed by thee alone, and every point around: the three regions of the universe, O mighty spirit! behold the wonders of thy awful countenance with troubled minds. Of the celestial bands, some I see fly to thee for refuge; whilst some, afraid, with joined hands sing forth thy praise. The Maharshees, holy bands, hail thee, and glorify thy name with adorating praises. The Roodras, the Adityas, the Vasoos, and all those beings the world esteemeth good;

fectly evident that the Hindus never contemplated the universe as a connected and perfect system, governed by general laws, and directed to benevolent ends; and it follows, as a necessary consequence, that their religion is no other than that primary worship, which is addressed to the designing and invisible beings who preside over the powers of nature, according to their own arbitrary will, and act only for some private and selfish gratification. The elevated language, which this species of worship finally assumes, is only the refinement, which flattery, founded upon a base apprehension of the divine character, ingrafts upon a mean supersition.[1]

Asween and Koomar, the Maroots and Ooshmapas; the Gandharos and the Yakshas, with the holy tribes of Soors, all stand gazing on thee, and all alike amazed. The winds, alike with me, are terrified to behold thy wondrous form gigantic; with many mouths and eyes; with many arms, and legs, and breasts; with many bellies, and with rows of dreadful teeth! Thus, as I see thee, touching the heavens, and shining with such glory, of such various hues, with widely opened mouths and bright expanded eyes, I am disturbed within me; my resolution faileth me, O Vishnu! and I find no rest! Having beholden thy dreadful teeth, and gazed on the countenance, emblem of time's last fire, I know not which way I turn! I find no peace! Have mercy, then, O god of gods! thou mansion of the universe! The sons of Dhreetarashtra, now, with all those rulers of the land, Bheeshma, Drona the son of Soot, and even the fronts of our army, seem to be precipitating themselves hastily into thy mouths, discovering such frightful rows of teeth! whilst some appear to stick between thy teeth with their bodies sorely mangled. As the rapid streams of full-flowing rivers roll on to meet the ocean's bed; even so these heroes of the human race rush on towards thy flaming mouths. As troops of insects, with increasing speed, seek their own destruction in the flaming fire; even so these people, with swelling fury, seek their own destruction. Thou involvest and swallowest them altogether, even unto the last, with thy flaming mouths; whilst the whole world is filled with thy glory, as thy awful beams, O Vishnu, shine forth on all sides!" Bhagvat-Geeta, p. 90, &c. Such is "the Display of the Divine Nature in the form of the universe!"

[1] In the grant of land, translated from a plate of copper, (Asiat. Res. iii. 45.) among the praises of the sovereign, by whom the donation is made, it is said, "The gods had apprehensions in the beginning of time, that the glory of so great a monarch would leave them without marks of

BOOK II. CHAP. 6.

If it be deemed necessary to inquire into the principle of the Hindu superstition; or which of the powers of nature, personified into gods, they exalted in the progress of hyperbolical adoration to the supremacy over the rest, and the lordship of all things; the question is resolved by copious evidence; and on this point inquirers generally coincide. Sir William Jones has written a discourse to prove that the gods of Greece, Italy, and India are the same. But it is sufficiently proved that the Greek and Roman deities ultimately resolve themselves into the sun, whose powers and provinces had been gradually enlarged, till they included those of all nature. It follows that the sun too is the principle of the Hindu religion. "We must not be surprised," says Sir William Jones, "at finding on a close examination, that the characters of all the Pagan deities, male and female, melt into each other, and at last into one or two; for it seems a well-founded opinion, that the whole crowd of gods and goddesses, in ancient Rome and modern Varanes, mean only the powers of nature, and principally those of the sun, expressed in a variety of ways, and by a multitude of fanciful names."[1] He says too, that "the three Powers, Creative, Preservative, and Destructive, which the Hindus express by the triliteral word *Aum*, were grossly ascribed by the first idolaters to the heat, light, and flame of their mistaken

distinction; thence it was, that Purari assumed a third eye in his forehead; Pedmacsha, four arms; Atmabhu, four faces; that Cali held a cimeter in her hand; Rama, a lotos flower; and Vani, a lyre." Sir William Jones, in the note says; "The six names in the text are appellations of the gods Mahadeva, Vishnu, Brahma, and the goddesses Durga, Lacshmi, Seraswati." So that the three supreme deities, with their wives, were afraid of being eclipsed by an earthly king, and were obliged to assume new distinctions (of a very ingenious and imposing sort!) to prevent so lamentable an occurrence.

[1] On the Gods of Greece, &c., Asiat. Research. i. 267.

divinity the sun."[1] Brahma, Vishnu, and Siva, were therefore, the heat, light, and flame of the sun; and it follows as a very clear deduction, that Brahme, whose powers were shadowed forth in the characters of those three gods, was the sun himself. This conclusion, too, is established by many express texts of the Hindu scriptures, as well as by the most venerated part of the Hindu ritual. "The syllable Om (Aum) intends," says a passage from the Veda translated by Mr. Colebrooke, "every deity: It belongs to Paramesht'hi, him who dwells in the supreme abode: it appertains to Brahme, the vast one; to Deva, god; to Adhyatma, the superintending soul. Other deities belonging to those several regions, are portions of the three gods; for they are variously named and described, on account of their different operations: but in fact there is only one deity, THE GREAT SOUL. He is called the SUN; for he is the soul of all beings. Other deities are portions of him."[2] I have already quoted a very remarkable passage from Yajnyawalcya, one of the highest of all authorities, in which the sun is directly asserted to be Brahme, and to be the supreme soul, as is declared in all the Vedas.[3] Another passage translated from a Veda by Mr. Colebrooke says; "Fire is THAT ORIGINAL CAUSE, the SUN is that; such too is that pure Brahme. Even he is the god who pervades all regions; he, prior to whom nothing was born; and who became all beings, himself the lord of creatures."[4] A passage in the Veda, translated by Sir William Jones, says, "That Sun, than which nothing is higher, to which nothing is equal, enlightens the sky, the earth, the lower worlds, the

[1] Asiat. Research. i. 272.

[2] Ib. viii. 397.

[3] Vide supra, p. 323.

[4] Asiat. Research. viii. 431, 432.

BOOK II. CHAP. 6.

higher worlds, other worlds, enlightens the breast, enlightens all besides the breast."[1] In the Bhawishya Purana, Crishna himself says; "The sun is the god of perception, the eye of the universe, the cause of day; there is none greater than he among the immortal powers. From him this universe proceeded, and in him it will reach annihilation; he is time measured by instants." I shall add but one instance more. There is a passage in the Vedas, which is regarded by the Hindus with unspeakable veneration. It has a distinctive appellation. It is called the Gayatri; and is used upon the mightiest occasions of religion. It is denominated the holiest text in the Vedas. This extraordinary, this most sacred, most wonderful text, is thus translated by Sir William Jones; "Let us adore the supremacy of that divine Sun, the godhead, who illuminates all, who re-creates all, from whom all proceed, to whom all must return, whom we invoke to direct our understandings aright in our progress towards his holy seat."[2] Another version of it, and somewhat different in its phraseology, is given by Mr. Colebrooke, in his account of the first of the Vedas: "I subjoin," says he, "a translation of the prayer which contains it, as also of the preceding one, (both of which are addressed to the sun) for the sake of exhibiting the Indian priests' confession of faith with its context:—'This new and excellent praise of thee, O splendid, playful Sun! is offered by us to thee. Be gratified by this my speech: approach this craving mind as a fond man seeks a woman. May that sun who contemplates and looks into all worlds be our protector!—LET US MEDITATE ON THE ADORABLE LIGHT OF THE DIVINE RULER; MAY IT GUIDE OUR INTEL-

[1] Asiat. Research. ii. 400. [2] Sir William Jones's Works, vi. 417.

LECTS![1] Desirous of food, we solicit the gift of the splendid Sun, who should be studiously worshipped. Venerable men, guided by the understanding, salute the divine Sun with oblations and praise."[2] Constrained by these and similar passages, Mr. Colebrooke says; "The ancient Hindu religion, as founded on the Indian scriptures, recognizes but one God, *yet not sufficiently discriminating the creature from the Creator*."[3] This is an important admission, from one of the most illustrious advocates of the sublimity of the Hindu religion. Had he reflected for one moment, he would have seen that between *not sufficiently*, and *not-at-all*, in this case, there can be no distinction.[4]

In the natural progress of religion, it very frequently happens, that the spirit of adulation and

[1] This particular passage it is, which is pointed out by Mr. Colebrooke as the gayatri.

[2] Asiat. Research. viii. 400.

[3] Ib. 397.

[4] Nations, not behind the Hindus in civilization (the most enthusiastic of their admirers being judges) agree in these ideas. "Les nations savantes de l'Orient," says Dupuis, (Origine de tous les Cultes, i. 4.) "les Egyptiens et les Pheniciens, deux peuples qui ont le plus influé sur les opinions religieuses du reste de l'univérs, ne connoissoient d'autres dieux, chefs de l'administration du monde, que le soleil, la lune, les astres, et le ciel qui les renferme, et ne chantoient que la nature dans leurs hymnes et leurs theogonies." The following is a curious passage: "Eutychius, apres avoir pris le Sabiisme en Chaldee, De la, dit il, il est passé en Egypte, de l'Egypte il fut porté chez les Francs, c'est a dire en Europe, d'ou il s'etendit dans tous les ports de la Mediterranée. Et, comme le culte du Soleil et des Etoiles, la veneration des ancestres, l'erection des statues, la consecration des arbres, constituerent d'abord l'essence du Sabiisme, et que cette espece de religion, toute bizarre qu'elle est, se trouva assez vite repandue dans toutes les parties du monde alors connu, et l'infecta jusqu' à l'Inde, jusqu' à la Chine; de sorte que ces vastes empires ont toujours esté pleins de statues adoreés, et ont toujours donné la creance la plus folle aux visions de l'astrologie judiciaire, preuve incontestable de Sabiisme, puisque ç'en est le fond, et le premier dogme; la conclusion est simple, que soit par tradition, soit par imitation et identité d'idees, le monde presqu' entier s'est vu, et se voit encore Sabien." Ib. 25. Memoires de l'Academie des Inscriptions, &c. xii. 25.

hyperbole exalts admired or powerful individuals to the rank of gods. The name of the sun, or of some other divinity, is bestowed as a title, or as an epithet of inflated praise, upon a great prince, or conqueror.[1] Immediately the exploits of the hero are blended with the functions of the god; and, in process of time, when the origin of the combination is forgotten, they form a compound mass of inextricable and inconsistent mythology. Mr. Colebrooke is of opinion, that in the Vedas the elements and the planets alone are deified; that the worship of heroes was introduced among the Hindus at a later period; and makes a remarkable figure in the Puranas.[2]

Among the false refinements to which the spirit of a rude religion gives birth, it is worthy of particular remark, that abstract terms are personified, and made to assume the character of gods: such as, Health and Sickness; War and Peace; Plenty, Famine, or Pestilence. When the most general abstractions too begin to be formed, as of space, of time, of fate, of nature, they are apt to fill the mind with a kind of awe and wonder; and appear to stretch beyond all things. They are either, therefore, apprehended as new gods, and celebrated as antecedent, and superior, to all the old; or if any of the old have taken a firm possession of the mind, they are exalted to the new dignity, and receive the name of the abstract idea which most forcibly engages the attention. Thus, among the Greeks and the Romans, Fate usurped a power over all the gods. The Parsee books repre-

[1] Adad, the name of the chief Assyrian deity, was held by ten Syrian kings in succession. Nicol. Damasc. ap. Josephum, Antiq. lib. vii. cap. 5. Even among Christians, kings and great men have received all the general titles of the deity, *lord*, *majesty*, *highness*, *excellence*, *grace*.

[2] Asiat. Research. viii. 398, note.

sent Ormusd and Ahriman, the Good Principle and the Evil Principle, sometimes as independent beings; sometimes as owing their existence to something above them; in a manner extremely resembling the language of the Sanscrit books respecting Brahma, Vishnu, and Siva. At times, however, the Persians express themselves more precisely. "In the law of Zoroaster," says one of their sacred books, "it is positively declared that God [Ormusd] was created by Time along with all other beings; and the creator is Time; and Time has no limits; it has nothing above it; it has no root; it has always been, and always will be. No one who has understanding will ever say, Whence did Time come? In that grandeur wherein Time was, there was no being who could call it creator, because it had not yet created. Afterwards it created fire and water, and from their combination proceeded Ormusd. Time was the creator, and preserved its authority over the creatures which it had produced.***I said in the beginning that Ormusd and Ahriman came both from Time."[1] The Brahmens, on the other hand, rather appear to have advanced the dignity of the acknowledged divinities, so far as to make it embrace the extent of the abstract ideas; and to have regarded them as the abstract ideas themselves. Thus Mr. Wilkins supposes, that Brahme represents nature; Brahma, matter; Vishnu, space; Siva, time. But this is a refinement which is very sparingly, if at all, introduced in any writings of the Brahmens, which have yet been laid open to European eyes. Direct contradictions of it, though plentifully diffused, are no proof that it is not at all a Hindu doctrine. Thus Chrishna, in the Geeta, says, "I am never-

[1] Anquetil Duperron, Zendavesta, ii. 344.

BOOK II. CHAP. 6.

failing Time, the Preserver, whose face is turned on all sides;"[1] a point of view in which it well agrees with the peculiar attributes of Vishnu. But in the very same discourse, Crishna says again, "I am Time, the destroyer of mankind,"[2] in which case it agrees only with the character of Siva. But it is still more remarkable that Brahma is said to have "given being to time, and the divisions of time;"[3] and that space is said to have been produced from the ear of the first victim immolated by the gods.[4] Nay, there are passages in which the Hindus acknowledge a destiny or fate, which over-rules the Supreme Beings themselves. "The future condition of great beings is destined with certainty, both the nakedness of Mahadeva, and the bed of Vishnu, on a vast serpent. What is not to be, that will not be; and if an event be predoomed, it cannot happen otherwise."[5]

[1] Bhagvat-Geeta, p. 87. [2] Ib. p. 93.

[3] Institutes of Menu, ch. i. 24.

[4] A passage translated from the Veda by Mr. Colebrooke, Asiat. Research. vii. 251.

[5] Hetopadesa, book I., Sir William Jones's Works, vi. 7. A personification, and mysterious deification of some very abstract idea, as Time, or Space, is by no means unnatural to rude nations. It is remarkable that the Scandinavians had a notion of some mysterious power, superior to their gods; for after the great catastrophe, in which Odin, Thor, and the other deities, lose their lives, "comes forth THE POWERFUL, THE VALIANT, HE WHO GOVERNS ALL THINGS, from his lofty abodes, to render divine justice. In his palace the just will inhabit, and enjoy delights for evermore." (See extracts from the Edda, the sacred book of the Scandinavians, in Mallet's Introduct. to the Hist. of Denmark, vol. i. ch. vi.) That historian observes, in a style which almost appears to be copied by those to whom we owe the specimens of the Hindu religion, that a capital point among the Scythians was, the pre-eminence of "One only, all-powerful and perfect being, over all the other intelligences with which universal nature was peopled." The Scandinavians, then, were on a level with all that is even claimed for the Hindus. But these same Scandinavians draw terrible pictures of this perfect ONE; describing him as a being who even delights in the shedding of human blood; yet they call him, the Father and creator of men, and say, that "he liveth and

When the exaggerations of flattery are in this manner engrafted upon the original deification of the elements and powers of nature; and when the worship of heroes and of abstract ideas is incorporated with the whole; then is produced that heterogeneous and monstrous compound which has formed the religious creed of so great a portion of the human race; but composes a more stupendous mass in Hindustan than any other country; because in Hindustan a greater and more powerful section of the people, than in any other country, have, during a long series of ages, been solely occupied in adding to its volume, and augmenting its influence.[1]

governeth during the ages; he directeth every thing which is high, and every thing which is low; whatever is great, and whatever is small; he hath made the heaven, the air, and man who is to live for ever; and before the heaven or the earth existed, this god lived already with the giants." Ibid. But what this god was, whether matter, or space, or time, the Scandinavian monuments are too imperfect to determine.

[1] Bernier, one of the most intelligent and faithful of all travellers, who spent a number of years in great favour at the court of Aurengzebe, formed an opinion of the religion of the Hindus, with which respect was little connected; for one of his Letters he thus entitles, "Lettre, &c. touchant les superstitions, etranges façons de faire, et doctrine des Indous ou Gentils de l'Hindoustan. D'ou l'on verra qu'il n'y a opinions si ridicules et si extravagantes dont l'esprit de l'homme ne soit capable." (Bernier, Suite des Memoires sur l'Empire du Grand Mogol, i. 119.) He appears to have seen more completely through the vague language of the Brahmens respecting the divinity, (a language so figurative, and loose, that if a man is heartily inclined, he may give it any interpretation,) than more recent and more credulous visitors. After giving a very distinct account of the more common notions entertained of the three deities, Brahma, Vishnu, and Siva, he says, Touchant ces trois Estres j'ai vu des Missionaires Européens qui pretendent que les Gentils ont quelque idée du mystere de la Trinité, et qui disent qu'il est expressement portè dans leurs livres que ce sont trois Personnes un seul Dieu; pour moy j'ai fait assez discourir les Pendets sur cette matiere, *mais ils s'expliquent si pauvrement que je n'ai jamais pu comprendre nettement leur sentiment;* j'en ai meme vu quelques-uns qui disent que se sont trois veritables creatures tres parfaites qu'ils appellent Deutas; comme nos anciens idolatres n'ont à mon avis jamais bien expliqué ce qu'ils entendoient par ces mots de Genius, et de Numina, qui est, je pense, le même que Deuta chez les Indiens; il est vrai que j'en ai vu d'autres, et

BOOK II. CHAP. 6.

So little do men regard incoherence of thought; so little are they accustomed to trace the relations of one set of opinions to another, and to form on any subject a consistent and harmonious combination of ideas, that while many persons of eminence loudly contend for the correctness and sublimity of the speculative, there is an universal agreement respecting the meanness, the absurdity, the folly, of the endless

des plus sçavans, qui disoient que ces trois Etres n'estoient effectivement qu'un meme dieu consideré en trois façons, a sçavoir, en tant qu'il est Producteur, Conservateur, et Destructeur des choses, mais ils ne disoient rien des trois personnes distinctes en un seul Dieu. Ibid. p. 178.—"The history of these gods" (says Mr. Orme, Hist. of the Milit. Trans. &c. in Indostan, i. 3,) "is a heap of the greatest absurdities. It is Eswara twisting off the neck of Brahma; it is the Sun who gets his teeth knocked out, and the Moon who has her face beat black and blue at a feast, at which the gods quarrel and fight with the spirit of a mob." In the Zendavesta, as translated by Anquetil Duperron, many passages are as expressive to the full of just ideas of the Divine Nature as any in the Vedas. The absurdities too, with which they are mixed, are certainly not greater, they are many degrees less, than those with which the sublime phrases in the Vedas are mingled. The ancient magi, we are told, had a most sublime theology.—Nunquam adorabant solem: et mox addiderunt, se non adhibere aliquam adorationem soli, aut lunæ, aut planetis, sed tantum erga solem se convertere inter orandum. Hyde, p. 5. Je vois, ma sœur, says the Guebre in Montesquieu, (Lettres Persanes, Let. lxvii.) que vous avez appris parmi les musulmans à calomnier notre sainte religion. Nous n'adorons ni les astres ni les elemens; et nos peres ne les ont jamais adorés . . . . . . Ils leurs ont seulement rendu un culte religieux, mais inferieur, comme à des ouvrages et des manifestations de la divinité. Beausobre, with his usual critical sagacity, said, in regard to the pictures drawn by Hyde, Pococke, and Prideaux, of the religious system of the magi, Rien de plus beau, rien de plus orthodoxe que ce systême. Je crains seulement qu'il ne le soit un peu trop pour ces tems-la. Hist. de Manich. lib. ii. ch. ii. Voltaire thus expresses himself; "On ne peut lire deux pages de l'abominable fatras attribué à ce Zoroastre, sans avoir pitié de la nature humaine. Nostradamus et le medecin des urines sont des gens raisonables, en comparison de cet energumene. Et cependant on parle de lui, et on en parlera encore." He had however remarked a little before, that the book contained good precepts of morality, and asked, "Comment se pourrait-il que Zoroastre eut joint tant d'enormes fadaises à cet beau precepte de s'abstenir dans les doutes si on fera bien ou mal?" Dictionnaire Philosophique, Mot Zoroastre.

ceremonies, in which the practical part of the Hindu religion consists. For the illustration of this part of the subject, I shall content myself with a reference to the documents in the appendix.[1] Volumes would hardly suffice to depict at large a ritual which is more tedious, minute, and burthensome; and engrosses a greater portion of human life, than any which has been found to fetter and oppress any other portion of the human race.

No circumstance connected with a religious system more decidedly pronounces on its character, than the ideas which it inculcates respecting merit and demerit, purity and impurity, innocence and guilt. If those qualities which render a man amiable, respectable, and useful; if wisdom, beneficence, self-command, are celebrated as the chief recommendation to the favour of the Almighty; if the production of happiness is steadily and consistently represented as the most acceptable worship of the Creator; no other proof is requisite, that they who framed, and they who understand this religion, have arrived at high and refined notions of an All-perfect being. But where, with no more attention to morality, than the exigencies and laws of human nature force upon the attention of the rudest tribes, the sacred duties are made to consist in frivolous observances, there, we may be assured, the religious ideas of the people are barbarous. The train of thought which tends to this conclusion is extremely similar to that which gives birth to other deformities in the religious system of ignorant minds. From the imbecilities which usually accompany exalted station, it is found, even when society is considerably improved,

[1] See Note C. at the end of the volume.

BOOK II. CHAP. 6.

that assiduous attendance upon the person of the great man or prince, and unwearied contrivances for the expression of devotion and respect, are the path which leads the most surely to his attention and favour.[1] To the rude mind, no other rule suggests itself for paying court to the Divine, than that for paying court to the Human Majesty; and as among a barbarous people, the forms of address, of respect, and compliment, are generally multiplied into a great variety of grotesque and frivolous ceremonies, so it happens with regard to their religious service. An endless succession of observances, in compliment to the god, is supposed to afford him the most exquisite delight; while the common discharge of the beneficent duties of life is regarded as an object of comparative indifference. It is unnecessary to cite instances in support of a representation, of which the whole history of the religion of most nations is a continual proof.

Even those inquirers who have been least aware of the grossness of the Hindu religion, have seen that wretched ceremonies constituted almost the whole of its practical part. The precepts, which are lavished upon its ceremonies, bury, in their exorbitant mass, the pittance bestowed upon all other duties taken together. On all occasions ceremonies meet the attention as the pre-eminent duties of the Hindu. The holiest man is always he, by whom the ceremonies of his religion are most strictly performed. Never among any other people did the ceremonial part of religion prevail over the moral to a greater, probably to an equal extent. Of the many rules

[1] That one campaign in the court is better than two in the field, has passed into a proverb under the monarchies of modern Europe.

of conduct prescribed to the householder, almost the whole concern religious observances.[1] Beside the general strain of the holy text, many positive declarations ascribe infinite superiority, to rites and ceremonies, above morality. "Devotion," says Menu, "is equal to the performance of all duties; it is divine knowledge in a Brahmen; it is defence of the people in a Cshatriya; devotion is the business of trade and agriculture in a Vaisya; devotion is dutiful service in a Sudra. By reading each day as much as possible of the Veda, by performing the five great sacraments, and by forgiving all injuries, even sins of the highest degree shall soon be effaced."[2] In the following list of conditions, a small space is allotted to useful virtue. "By injuring nothing animated, by subduing all sensual appetites, by devout rites ordained in the Veda, and by rigorous mortifications, men obtain, even in this life, the state of beatitude."[3] "It is through sacrifices," says the Calica Purana, "that princes obtain bliss, heaven, and victory over their enemies."[4]

In conceiving the honours with which the divine powers should be treated, it is supposed that there are certain qualities with which it is holy or unholy to approach them. As there are certain pollutions with which it would be held disrespectful to approach an earthly superior, the same sentiment, as usual, is transferred to the heavens; and the notion

[1] The performance (e. g.) of the five daily sacraments, of which no one, not even that which is falsely rendered hospitality, has, properly speaking, any reference to the duties of humanity. A few general precepts respecting the acquisition of the means of subsistence, in the modes prescribed to the different orders of the Hindus, are in fact of the ceremonial and religious cast. Laws of Menu, ch. iii. and iv. where the duties of the householder are described.

[2] Laws of Menu, ch. xi. 236, &c.

[3] Ibid. ch. vi. 75.

[4] Asiat. Res. v. 371.

of a religious impurity is engendered. This is a circumstance of considerable importance. By the nature of the particulars, to which the belief of religious purity and impurity is attached, a criterion is afforded of the mental qualities which the Divine Being is supposed to possess. The causes of impurity among the Brahmens are exceedingly numerous; that they are proportionally strange, a few instances will evince. "When a child has teethed," says the law of Menu, "and when, after teething, his head has been shorn, and when he has been girt with his thread, and when, being full grown, he dies, all his kindred are impure: on the birth of a child, the law is the same."[1] Among a variety of other instances it is declared, that he who has touched a Chandala, a woman in her courses, an outcast, a new-born child, a corpse, or one who has touched a corpse, is impure. A Brahmen who has touched a human bone is impure.[2] The rules of purification, which form a remarkable part of this subject, are not less exorbitant in their number, or extravagant in their forms. On the death of a kinsman, the modes of purification are various, according to various cases: one, which we may select as an example, is *prescribed in the following* words; "Let them eat vegetable food without factitious (that is, only with native) salt; let them bathe for three days at intervals; let them taste no flesh-meat; and let them sleep apart on the ground."[3] "Should a Brahmen touch a human bone moist with oil, he is purified by bathing; if it be not oily, by stroking a cow, or by looking at the sun, having sprinkled his mouth with water."[4] All those functions of the body, by which its offensive dis-

[1] Institutes of Menu, ch. v. 58.
[2] Ib. 85, 87.
[3] Ib. 73.
[4] Ib. 87.

charges are effected, or its vital powers communicated, afford occasion for the ceremonies of purification.[1] "Oily exudations," says the law of Menu, "seminal fluids, blood, dandruff, urine, feces, earwax, nail-parings, phlegm, tears, concretions on the eyes, and sweat, are the twelve impurities of the human frame, and for cleansing these earth and water must be used."[2] "He who carries in any manner an inanimate burthen, and is touched by any thing impure, is cleansed by making an ablution, without laying his burden down."[3] "He who has been bitten by a dog, a shakal, or an ass, by any carnivorous animal frequenting a town, by a man, a horse, a camel, or a boar, may be purified by stopping his breath during one repetition of the gayatri."[4] After the rules for the purification of living bodies, follow precepts for the purification of things inanimate. For each of a great many species, a separate mode is prescribed. Land, for example, is cleansed, by sweeping, by smearing with cow-dung, by sprinkling with cow's urine, by scraping, or by letting a

[1] The Hindus, among whom the idea of delicacy, in regard either to physical or moral objects, appears never to have taken rise, describe these occasions of purification, in the plainest, or in other words the grossest terms. There is a long series of precepts about voiding the excrements, (Laws of Menu, ch. iv. 45 to 52): And for purification afterwards, "Let each man," says the law, "sprinkle the cavities of his body, and taste water in due form when he has discharged urine or feces: First, let him thrice taste water; then twice let him wipe his mouth, but a woman or servile man may once respectively make that ablution;" (Ibid. ch. v. 138, 139.) "Having vomited, or been purged, let him bathe and taste clarified butter: for him who has been connected with a woman, bathing is ordained by law;" (Ibid. 144.) In one instance there is a curious contrariety: It is declared, (Ibid. 108.) "A woman whose thoughts have been impure is purified by her monthly discharge." Yet this same peculiarity of the female constitution is a cause of impurity; for which she is separated by bathing. Ibid. 66.

[2] Laws of Menu, ch. v. 134, 135.

[3] Ibid. 143.

[4] Ibid. xi. 200.

cow pass a day and a night on it.[1] "The purification ordained for all sorts of liquids, is by stirring them with cusa grass; for cloths folded, by sprinkling them with hallowed water; for wooden utensils, by planing them. The purification by sprinkling is ordained for grain and cloths in large quantities; but to purify them in small parcels, such as a man may easily carry, they must be washed."[2] These instances, selected merely as a small specimen of a great whole, will suffice to show what moral ideas are conveyed and inculcated in the notions of purity and impurity comprised in the religion of the Hindus.

As the purifications, so likewise the penances, prescribed by the various systems of religion, afford a remarkable indication of the qualities really ascribed to the object of worship. All penance consists in suffering. In the same degree in which the object of worship is supposed to be delighted with penance, in the same degree he is delighted with human suffering; and so far as he delights in suffering, for its own sake, so far he is a malignant being; whatever epithets, in the spirit of flattery, his votaries may confer upon him. It is natural to a rude and ignorant mind to regard the object of its worship as malignant. Things appear great or little by comparison. Amid the incessant efforts which are made to ascend another step in adulation, after all the epithets of greatness and honour are lavished upon the god, to make his greatness and honour still higher, by contrast, every epithet of meanness and contempt is heaped by the worshipper upon himself and his kind. The same is the case with his *happiness*: it will appear the

[1] Laws of Menu, ch. v. 124. [2] Ibid. 115, 118.

greater, the higher it is raised above that of other beings; of course, the deeper the misery of other beings. Hence it is, that the prayers and praises, addressed to the deity by rude nations, abound with the most hyperbolical expressions of human misery as well as human depravity; that in the religion of rude minds pleasure in general bears a strong mark of reprobation, and the voluntary creation of pain is the strongest of all recommendations to him on whom the issues of life depend. In the language of the Greeks and Romans, the gods were envious of human happiness;[1] just as the proud and haughty mind of the earthly despot, the archetype and model according to which, in certain stages of knowledge, the idea of the heavenly is regularly formed, likes not that the happiness of other people should approach to that of himself, and reaps a pleasure from their pain, both as enhancing the idea of his own happiness, and lessening the sense of his misery.[2] "A sin, involuntarily committed," says the sacred

[1] Solon asks Crœsus why he interrogates him about human happiness —Ω Κροισε, επισταμενον με το θειον παν εον φθονερον και ταραχωδες; Herodot. lib. i. cap. xxxii.

[2] "'Tis evident we must receive a greater or less satisfaction or uneasiness from reflecting on our own condition and circumstances, in proportion as they appear more or less fortunate or unhappy; in proportion to the degrees of riches and power, and merit, and reputation, which we think ourselves possessed of. Now, as we seldom judge of objects from their intrinsic value, but form our notions of them from a comparison with other objects; it follows, that according as we observe a greater or less share of happiness or misery in others, we must make an estimate of our own, and feel a consequent pain or pleasure. The misery of another gives us a more lively idea of our happiness, and his happiness of our misery. The former, therefore, produces delight; and the latter uneasiness." Hume's Treatise of Human Nature, ii. 174. If this principle have a real existence in human nature; and if the rude mind invariably fashions the divine mind after itself, the belief, so wonderfully common, that the Divine Being is delighted with the self-inflicted torment of his worshippers, is sufficiently accounted for.

BOOK II. CHAP. 6.

text of Menu, "is removed by repeating certain texts of the scripture, but a sin committed intentionally, by harsh penances of different sorts."[1] The following account of the reason for performing penances, has the effect of exposing to religious antipathy all those persons who are affected with a bodily infirmity. "Some evil-minded persons," says the same sacred volume, "for sins committed in this life, and some for bad actions in a preceding state, suffer a morbid change in their bodies: a stealer of gold from a Brahmen has whitlows on his nails; a drinker of spirits, black teeth; the slayer of a Brahmen, a marasmus; the violator of his preceptor's bed, a deformity in the generative organs; a malignant informer, fetid ulcers in his nostrils; a false detractor, stinking breath; a stealer of grain, the defect of some limb; a mixer of bad wares with good, some redundant member; a stealer of dressed grain, dyspepsia; a stealer of holy words, or an unauthorised reader of the scriptures, dumbness; a stealer of clothes, leprosy; a horse stealer, lameness; the stealer of a lamp, total blindness; the mischievous extinguisher of it, blindness in one eye; a delighter in hurting sentient creatures, perpetual illness; an adulterer, windy swelling in his limbs: Thus, according to the diversity of actions, are born men despised by the good, stupid, dumb, blind, deaf, and deformed: Penance, therefore, must invariably be performed for the sake of expiation, since they who have not expiated their sins, will again spring to birth with disgraceful marks."[2] "Any twice-born man, who has drunk spirit of rice through perverse delusion of mind, may drink more spirit in flame, and

[1] Institutes of Menu, ch. xi. 46.

[2] Ib. 48 to 54.

atone for his offence by severely burning his body; or he may drink boiling hot, until he die, the urine of a cow, or pure water, or milk, or clarified butter, or juice expressed from cow-dung."[1] A curious reason is assigned for the heinous guilt ascribed to the drinking of intoxicating liquors by a Brahmen; Because, "stupified by drunkenness, he might fall on something very impure, or might even, when intoxicated, pronounce a secret phrase of the Veda, or might do some other act which ought not to be done."[2] "If a Brahmen kill by design a cat, or an ichneumon, the bird chasha, or a frog, a dog, a lizard, an owl, or a crow, he must perform the ordinary penance required for the death of a Sudra;"[3] as if the crime of killing a man were the same with that of killing a frog. "Should one of the twice-born eat the food of those persons with whom he ought never to eat, or food left by a woman or a Sudra, or any prohibited flesh, he must drink barley gruel only for seven days and nights."[4] "Having taken goods of little value from the house of another man, he must procure absolution by performing the penance santapana, or by eating for a whole day the dung and urine of cows mixed with curds, milk, clarified butter, and water boiled with cusa grass, and then fasting entirely for a day and a night."[5] The penances for venereal sin, and the description of its various species, are unfit to be transcribed.[6] Something might be said for penances, if they were attached solely to moral offences, and proportioned in painfulness to the motives to offend; because the efficacy of the punishment which is reserved to a subsequent life is com-

[1] Institutes of Menu, ch. xi. 91, 92. [2] Ibid. 97.
[3] Ibid. 132. [4] Ibid. 153. [5] Ibid. 165, 213.
[6] See the Institutes of Menu, ch. xi. 171 to 179, where every species of sexual abomination is deliberately specified.

monly annihilated by remoteness. How much of this useful character belongs to the penances of the Hindus, a few passages will desclose. "He, who has officiated at a sacrifice for outcasts, or burned the corpse of a stranger, or performed rites to destroy the innocent," (a strange association of crimes) "may expiate his guilt by three prajapatya penances."[1] "A total fast for twelve days and nights, by a penitent with his organs controlled, and his mind attentive, is the penance named paraca, which expiates all degrees of guilt."[2] He who for a whole month eats no more than thrice eighty mouthfuls of wild grains, as he happens by any means to meet with them, keeping his organs in subjection, shall attain the same abode with the regent of the moon."[3] "Sixteen suppressions of the breath, while the holiest of texts is repeated with the three mighty words, and the triliteral syllable, continued each day for a month, absolve even the slayer of a Brahmen from his hidden faults."[4] "A priest who should retain in his memory the whole Rigveda would be absolved from guilt, even if he had slain the inhabitants of the three worlds, and had eaten food from the foulest hands."[5] *To such a degree are fantastic ceremonies exalted above moral duties; and so easily may the greatest crimes be compensated, by the merit of ritual, and unmeaning services.*[6]

[1] Institutes of Menu, chap. xi. 198. "When a twice-born man performs the penance prajapati, he must for three days eat only in the morning; for three days only in the evening; for three days food unasked, but presented to him; and for three more days, nothing." Ibid. 212.

[2] Ibid. 216. [3] Ibid. 221. [4] Ibid. 214. [5] Ibid. 262.

[6] C'est une superstition tres dangereuse que le pardon des crimes attaché a certaines ceremonies...... Voux pensez que Dieu oubliera votre homicide, si vous vous baignez dans un fleuve, si vous immolez une brebis noire, et si on prononce sur vous des paroles. Un second homicide vous sera donc pardonné au meme prix, et ainsi un troisieme, et cent meurtres ne voûs couteront que cent brebis noires et cent ablutions!

But the excess to which religion depraves the moral sentiments of the Hindus is most remarkably exemplified in the supreme, the ineffable merit which they ascribe to the saint who makes penance his trade.

Repairing to a forest, with no other utensils or effects, than those necessary in making oblations to consecrated fire: and leaving all property, and all worldly duties behind him, he is there directed to live on pure food, on certain herbs, roots, and fruit, which he may collect in the forest, to wear a black antelope's hide, or a vesture of bark, and to suffer the hairs of his head, his beard, and his nails to grow continually. He is commanded to entertain those who may visit his hermitage with such food as he himself may use, to perform the five great sacraments, to be constantly engaged in reading the Veda; patient of all extremities, universally benevolent, with a mind intent on the Supreme Being; a perpetual giver, but no receiver of gifts; with tender affection for all animated bodies. "Let him not eat the produce of ploughed land, though abandoned by any man, nor fruits and roots produced in a town, even though hunger oppress him.——Either let him break hard fruits with a stone, or let his teeth serve as a pestle.—Let him slide backwards and forwards on the ground; or let him stand a whole day on tiptoe; or let him continue in motion rising and sitting alternately; but at sunrise, at noon, and at sunset, let him go to the waters, and bathe. In the hot season let him sit exposed to five fires, *four blazing around him with the sun above;* in the rains let him stand uncovered, *without even a mantle,* where the clouds pour *the heaviest* showers; in the cold season, let him wear humid vesture; and

Faites mieux, miserables humains, point de meurtres, et point de brebis noires. Voltaire, Diction. Philos. au mot Superstition.

BOOK II. CHAP. 6.

enduring harsher and harsher mortifications, let him dry up his bodily frame. Let him live without external fire, without a mansion, wholly silent, feeding on roots and fruit, sleeping on the bare earth, dwelling at the roots of trees. From devout Brahmens let him receive alms to support life, or from other housekeepers of twice-born classes, who dwell in the forest. Or, *if he has any incurable disease*, let him advance in a straight path, towards the invincible *north eastern* point, feeding on water and air, till his mortal frame totally decay, and his soul become united with the Supreme."[1]

In conformity with these principles are formed those professors of mortification and piety, who are known under the modern name of Fakeers, and presented to Europeans a spectacle which so greatly surprised them. Of all the phenomena of human nature, none appears at first view more extraordinary than the self-inflicted torment of the holy saints of Hindustan. Some of them keep their hands closed till they are pierced through by the growth of the nails. Others hold them above their heads, till the power of the arms is extinguished. They make vows to remain in the standing posture for years. Three men were seen by Fryer, whose vow extended to sixteen years. One of them had completed his dreadful penance; of the

[1] Institutes of Menu, ch. vi. 3 to 8, and 16 to 32. There is a certain stage in the progress from extreme barbarity to some degree of intellectual improvement, in which worship by self-inflicted torments seems naturally to suggest itself. Thus, the priests and people of Mexico come next, perhaps, to the Hindus, though certainly at a prodigious distance behind them, in the devotion of pain and suffering. "It makes one shudder," (says Clavigero, book vi. sect. 22.) "to read the austerities which they exercised on themselves. They mangled their flesh, as if it had been insensible, and let their blood run in such profusion, that it appeared to be a superfluous fluid of the body." Their fastings, watchings, and other efforts of abstinence, were pushed to the greatest extremities. Ibid.

rest, one had passed five years in torment, the other three. Their legs were prodigiously swelled, and deeply ulcerated; and became at last too weak to support their bodies, when they leaned on a pillow suspended from a tree. Others turning their heads to gaze at the heaven over their shoulder, remain fixed in that posture, till the head can no longer be restored to its natural position, and no aliment, except in the liquid state, can pass down their throats.

The ceremony, commanded by Menu, "of sitting, in the hot season, between five fires," cannot be conceived without horror. A yogee, or penitent, actually seen by Fryer, had resolved to undergo this penance for forty days, at a public festival, where an immense concourse of spectators were assembled. Early on the morning, after having seated himself on a quadrangular stage, he fell prostrate, and continued fervent in his devotions, till the sun began to have considerable power. He then rose, and stood on one leg, gazing steadfastly at the sun, while fires, each large enough, says the traveller, to roast an ox, were kindled at the four corners of the stage, the penitent counting his beads, and occasionally, with his pot of incense, throwing combustible materials into the fire to increase the flames. He next bowed himself down in the centre of the four fires, keeping his eyes still fixed upon the sun. Afterwards, placing himself upright on his head, with his feet elevated in the air, he stood for the extraordinary space of three hours, in that inverted position; he then seated himself with his legs across, and thus remained sustaining the raging heat of the sun and of the fires, till the end of the day. Other penitents bury themselves up to the neck in the ground, or even wholly below it, leaving only a little hole through which they may breathe. They tear themselves with whips; they repose on beds of iron

spikes;[1] they chain themselves for life to the foot of a tree: the wild imagination of the race appears in short to have been racked to devise a sufficient variety of fantastic modes of tormenting themselves. The extent to which they carry the penance of fasting is almost incredible. They fix their eyes on the blazing sun till the power of vision is extinguished.[2] The following description, in the drama entitled Sacontala, how much soever partaking of the hyperbolical character of oriental poetry, conveys a most remarkable image of the length of time, the patience, and steadiness, with which the devotees of the forests must have remained immoveable in their solitary positions. "You see," says one of the personages of the drama, "in that grove a pious Yogee, motionless as a pollard, holding his thick, bushy hair, and fixing his eyes on the solar orb.—Mark; his body is covered with a white ants' edifice, made of raised clay; the skin of a snake supplies the place of his sacerdotal thread, and part of it girds his loins; a number of knotty plants

[1] See a curious description in the Asiat. Res. v. 49, of a fakeer, seen at Benares by Mr. Duncan, who had used this bed for 35 years.

[2] See Fryer's Travels, pp. 102, 103.—Sonnerat's Voyage, i. 121, 149, 153, 176.—Hamilton's Voyage to the East Indies, i. 274.—Voyage de Tavernier, iv. 118. Mr. Richardson, in his Arabic and Persian Dictionary, under the word Fakeer, says, "Every invention of perverted ingenuity is exhausted in deforming and distorting nature." And Mr. Wilkins (Note 113, subjoined to his translation of the Bhagvat-Geeta) says, "The word zeal, in the vulgar acceptation, signifies the voluntary infliction of pain, the modes of doing which, as practised to this day by the zealots of India, are as various as they are horrible and astonishing." Bernier, who describes most of the penances alluded to in the text, mentions their standing on their hands, with the head down, and the feet up; "D'autres qui se tenoient les heures entieres sur leurs mains sans branler, la tete en bas et les pieds en haut, et ainsi de je ne sçai combien d'autres sortes de postures tellement contraintes et tellement difficiles, que nous n'avons de bâteleurs qui les pûssent imiter; et tout cela, ce semble, par devotion comme j'ai dit, et par motif de religion, ou on n'en sçauroit seulement decouvrir l'ombre." Lettre des Gentils de l'Hindoustan, p. 153, 154.

encircle and wound his neck; and surrounding birds' nests almost conceal his shoulders."[1] The same venerable character is thus farther described in the Bhagvat-Geeta; "The Yogee constantly exerciseth the spirit in private. He is recluse, of a subdued mind and spirit; free from hope, and free from perception. He planteth his own seat firmly on a spot that is undefiled, neither too high, nor too low, and sitteth upon the sacred grass which is called coos, covered with a skin and a cloth. There he, whose business is the restraint of his passions, should sit, with his mind fixed on one object alone, in the exercise of his devotion for the purification of his soul, keeping his head, his neck, and his body, steady, without motion, his eyes fixed on the point of his nose, looking at no other place around. The man who keepeth the outward accidents from entering his mind, and his eyes fixed in contemplation between his brows; who maketh

[1] Sacontala, Act vii. in Sir William Jones's Works. One of the Mahommedan travellers, whose voyages are described by Renaudot, says of these recluses, "They for the most part stand motionless as statues, with their faces always turned to the sun. I formerly saw one in the posture here described, and returning to India about sixteen years afterwards, I found him in the very same attitude, and was astonished he had not lost his eyesight by the intense heat of the sun." Renaudot's ancient Account of India and China, p, 32. Bernier describes them thus; "On en voit quantité de tout nuds assis ou couchés les jours et les nuits sur les cendres, et assex ordinairement dessous quelques uns de ces grands arbres, qui sont sur les bords des Talabs ou reservoirs, ou bien dans des galeries qui sont autour de leur Deuras ou temples d'idoles...... Il n'y a Megere d'enfer si horrible a voir que ces gens-la tout nuds avec leur peau noire, ces grands cheveux, ces fuseauz des bras dans la posture que j'ai dit, et ces longues ongles entortilles. Lettres des Gentils de l'Hindoustan," p. 151. Orme accounts in part at least, and that very satisfactorily, for these astonishing efforts of patience and self-denial. "The many temporal advantages which the Brahmens derive from their spiritual authority, and the impossibility of being admitted into their tribe, have perhaps given rise to that number of Joguees and Facquires, who torture themselves with such various and astonishing penances, only to gain the same veneration which a Brahmen derives from his birth." Orme's Hist. Milit. Trans. Indostan, i. 4.

the breath to pass through both his nostrils alike in expiration and inspiration, who is of subdued faculties, mind, and understanding; the Yogee, who thus constantly exerciseth his soul, obtaineth happiness incorporeal and supreme."[1] This pure state of meditation, which obtains the name of devotion, is even more exalted than that of penance. "The Yogee," says Crishna, "is more exalted than Tapaswees, those votaries who afflict themselves in performing penance, respected above the learned in science, and" (which is worthy of peculiar regard,) "superior to those who are attached to moral works."[2] "Be thou at all times," says this supreme god to Arjoon in another place, "employed in devotion. The fruit of this surpasseth all the rewards of virtue pointed out in the Veds, in worshippings, in mortifications, and even in the gifts of charity."[3]

It is abundantly ascertained that the Hindus at one time, and that a time comparatively recent,[4] were marked with the barbarity of human sacrifices.[5] It even appears that the remainder of that devotional service is now in existence. When it is proposed to resist, as exorbitant, the demands of government, the Brahmens erect, what they denominate a koor,

[1] Bhagvat-Geeta, p. 60, 63. [2] Ibid. p. 67. [3] Ibid. p. 76.

[4] It is agreed among the Sanscrit scholars that the Puranas are modern, compared with the Vedas and other ancient monuments of the Hindus. Mr. Colebrooke is of opinion that the worship of heroes is altogether unknown to the author of the Vedas; though it was evidently part of the popular belief at the time the Puranas were composed. A sacrifice, therefore, enjoined in the Puranas, must have prevailed at a pretty late period.

[5] See a translation of what is denominated "The Sanguinary chapter" of the Calica Purana, by Mr. Blaquiere, Asiat. Res. v. 371., and Wilkins's Hetopadesa, note 249, and p. 211. In the Bhawishya Purana, it is declared that the head of a slaughtered man gives Durga, a thousand times more satisfaction than that of a buffalo. This sacrifice however is forbidden in the Brahma and the Bhagawat Puranas. Asiat. Res. iii. p. 260.

which is a circular pile of wood, with a cow, or an old woman on the top of it. If urged to extremity they set fire to the pile, and consume the victim, a sacrifice by which they are understood to involve their oppressor in the deepest guilt.[1] The British Government has interfered to prevent the sacrifice of children by throwing them to the sharks in the Ganges.[2]

Though the progress of improvement has brought into comparative disuse the mode of seeking divine favour by the sacrifice of a fellow creature, horrid rites, which have too near an affinity with it, are still the objects of the highest veneration. It is one of the grandest achievements of piety, for individuals to sacrifice themselves in honour of the gods. There are solemn festivals, in which the images of certain deities are carried in procession in vast ponderous machines, denominated raths, or chariots, drawn by a multitude of devotees and priests; when it is customary for numbers of the congregated people to throw themselves under the wheels, and even fathers, and mothers, with their children in their arms. The chariot passes on, as if no impediment existed, and crushing them to death, is supposed to convey them immediately to heaven.[3] The practice of sacrificing

[1] An instance of this, in which an old woman was the victim, was attempted at Benares, so late as the year 1788. See the account by Lord Teignmouth, Asiat. Res. v. 333.

[2] Papers, relating to East India affairs, ordered by the House of Commons to be printed, June 3, 1813, p. 427.

[3] A distinct description of this human sacrifice, performed at the feast of Juggernaut, is to be found in the voyage, (i. 121) of Sonnerat, who was an eye-witness. It is also described by that faithful traveller Bernier, Lettre sur les Gentils de l'Hindoustan, p. 128. It attracted in a peculiar degree the attention of the Rev. Dr. Buchanan: see his work, entitled, Christian Researches in Asia. The Missionaries have given us several descriptions, published in the Transactions of the Missionary Societies.

BOOK II. CHAP. 6.

themselves in the flames is a noted ceremony of the Hindus. It is sometimes executed with circumstances of studied atrocity; the victim striking himself in front with his sabre, so as to lay open his bowels to the spectators, tearing out part of his liver, cutting it off with the sabre, giving it to a relation or by-stander, conversing all the time with indifference apparently complete, then with unchanged countenance leaping into the flames, and expiring without a movement.[1] In some parts of India a Brahmen devotes himself to death, by eating till he expires with the surfeit.[2] On great solemnities, the votaries strike off their own heads, as a sacrifice to the Ganges,[3] and many drown themselves in the hallowed streams.[4] Of the modes adopted by the Hindus of sacrificing themselves to the divine powers, none however has more excited the attention of the Europeans, than the burning of the wives on the funeral piles of their husbands. To this cruel sacrifice the highest virtues are ascribed. "The wife who commits herself to the flames with her husband's corpse, shall equal Arundhati, and reside in Swarga; accompanying her

[1] Such was the instance witnessed by one of the Arabian travellers of Renaudot. See Ancient Relations, p. 80.

[2] Orme, on the Government and people of Indostan, p. 434.

[3] See Richardson's Dictionary at the word Fakeer.

[4] The place where the Jumna and the Ganges meet, is a spot of peculiar sanctity. "Some of the victims of superstition," says Dr. Tennant, "annually drown themselves at the junction of the streams; and this being the most acceptable of all offerings, it is performed with much solemnity. The rapidity with which the victim sinks, is regarded as a token of his favourable acceptance by the god of the river. To secure the good inclination of the deity, they carry out the devoted person to the middle of the stream, after having fastened pots of earth to his feet. The surrounding multitude on the banks are devoutly contemplating the ceremony, and applauding the constancy of the victim, who, animated by their admiration, and the strength of his own faith, keeps a steady and resolute countenance, till he arrives at the spot, when he springs from the boat, and is instantly swallowed up, amidst universal acclamations." Indian Recreations, ii. 250.

husband, she shall reside so long in Swarga, as are the thirty-five millions of hairs on the human body.[1] As the snake-catcher forcibly drags the serpent from his earth, so, bearing her husband from hell, with him, she shall enjoy the delights of heaven, while fourteen Indras reign. If her husband had killed a Brahmana, broken the ties of gratitude, or murdered his friend, she expiates the crime."[2] Though a widow has the alternative of leading a life of chastity, of piety, and mortification, denied to the pleasures of dress, never sleeping on a bed, never exceeding one meal a day, nor eating any other than simple food, it is held her duty to burn herself along with her husband; and "the Hindu legislators," says Mr. Colebrooke, "have shown themselves disposed to encourage" this barbarous sacrifice.[3]

[1] The Brahmens are always audacious enough to form a peremptory opinion. We have seen, before, that they never hesitated to assign a fixed number to the veins and arteries of the human body, though they are totally unacquainted with dissection. They here assign, with perfect confidence, a determinate number to the hairs on the human body.

[2] Sanscrit text, quoted by Mr. Colebrooke, in his discourse on the duties of a faithful Hindu wife, Asiat. Res. iv. 208. The custom of burning wives on the funeral piles of their husbands, was common to the Hindus with the northern nations. See Jamieson's Scottish Dictionary, ad verb. *Bayle-Fire.*—The principal among the wives of a Scandinavian chief accompanied him to the funeral pile. Mallet. Introd. Hist. Denmark, vol. i. c. 13.—The Scandinavians did not scruple to expose their children. Ibid.—Robertson, who informs us that the wives of the chiefs of the Natchez, an American tribe, were burnt along with them at their death, says that the custom arose from the excessive veneration in which they were held, as brothers of the sun, and representatives of the deity; and that from this impulse, the wives, as well as the domestics who shared the same fate, welcomed death with exultation. Hist. of America, ii. 140.

[3] Asiat. Res. iv. 210. See the whole of that discourse, where a number of authorities are collected. The circumstances of the transaction can be so easily conceived; that, horrid as they are, I have not thought proper to describe them. The prayers and ceremonies are exactly of the usual character. See an account by Bernier, of several cases of which

BOOK II. CHAP. 6.

Such are the acts, by which, according to the Hindu religion, the favour of the Almighty Power is chiefly to be gained; such are the ideas respecting purity and merit, which it is calculated to inspire. Yet if any one concludes that the Hindus were unacquainted with the ordinary precepts of morality, he will be greatly deceived. "By Brahmens," says the law of Menu, "placed in the four orders, a tenfold system of duties must ever be sedulously practised; Content; returning good for evil; resistance to sensual appetites; abstinence from illicit gain; purification; coercion of the organs; knowledge of scripture; knowledge of the supreme spirit; veracity; and freedom from wrath."[1] In this enumeration of duties, though a large proportion is allowed to acts purely ceremonial and useless; yet some of the noblest virtues are included. "Action," says the same sacred code, "is either mental, verbal, or corporeal. Devising means to appropriate the wealth of other men, resolving on any forbidden deed, and conceiving notions of atheism or materialism, are the three bad acts of the mind: scurrilous language, falsehood, indiscriminate backbiting, and useless tattle, are the four bad acts of the tongue: Taking effects not given, hurting sentient creatures without the sanction of law, and criminal intercourse with the wife of another, are three bad acts of the body; and all the ten have their opposites, which are good in an equal degree."[2] Though there is something extremely whimsical in the consequence ascribed to the following acts of injustice, yet they are with great propriety forbidden: "He who appro-

he was an eye-witness, (Lettre sur les Gentils de l'Hindoustan, p. 131); and a variety of cases in the works of the Missionaries, Ward, and Dubois.

[1] Institutes of Menu, ch. vi. 91, 92.

[2] Ibid. ch. xii. 3, 5, 6, 7.

priates to his own use, the carriage, the bed, the seat, the well, the garden, or the house of another man, who has not delivered them to him, assumes a fourth part of the guilt of their owner."[1] The following observations are in a pure and elevated strain of morality: "Even here below an unjust man attains no felicity; nor he whose wealth proceeds from giving false evidence; nor he, who constantly takes delight in mischief. Though oppressed by penury, in consequence of his righteous dealings, let him never give his mind to unrighteousness; for he may observe the speedy overthrow of iniquitous and sinful men. Iniquity, committed in this world, produces not fruit immediately, but, like the earth, in due season; and, advancing by little and little, it eradicates the man who committed it. Yes; iniquity, once committed, fails not of producing fruit to him who wrought it. He grows rich for a while through unrighteousness; then he beholds good things; then it is that he vanquishes his foes; but he perishes at length from his whole root upwards. Let a man continually take pleasure in truth, in justice, in laudable practices, and in purity; let him chastise those, whom he may chastise, in a legal mode; let him keep in subjection his speech, his arm, and his appetite: wealth and pleasures, repugnant to law, let him shun; and even lawful acts, which may cause future pain, or be offensive to mankind."[2]

Sir William Jones, whom, it is useful to quote, because his authority may have influence with those whose opinions I am constrained to controvert, observes, that "the principles of morality are few, luminous, and ready to present themselves on every

[1] Institutes of Menu, ch. iv. 202. [2] Ibid. 170 to 177.

BOOK II. CHAP. 6.

occasion."[1] Descanting on the rudeness, and ignorance, of the Scythian nations; "of any philosophy," he says, "except natural ethics, which the rudest society requires, and experience teaches, we find no more vestiges in Asiatic Scythia, than in ancient Arabia."[2] He was not surprised to find natural ethics, where not a vestige of philosophy was found; because "natural ethics," are what "*the rudest society requires, and experience teaches.*" If we search a little further, we shall discover that nations differ less from one another in the knowledge of morality, and of its obligations, (the rules of morality have been taught in all nations in a manner remarkably similar), than in the degrees of steadiness, with which they assign the preference to moral, above other acts. Among rude nations it has almost always been found, that religion has served to degrade morality, by advancing to the place of greatest honour, those external performances, or those mental exercises, which more immediately regarded the deity; and with which, of course, he was supposed to be more peculiarly delighted. On no occasion, indeed, has religion obliterated the impressions of morality, of which the rules are the fundamental laws of human society: morality has every where met with the highest applause; and no where has it been celebrated in more pompous strains, than in places where the most contemptible, or the most abominable rites, have most effectually been allowed to usurp its honours.[3] It is not so

[1] Discourse on the Philosophy of the Asiatics, Asiat. Res. iv. 166.

[2] Discourse on the Tartars, Asiat. Res. ii. 33.

[3] Few states of society are more low and degraded than that of the Mussulmans in modern Egypt. Hear what is said of their ethics: "On remarque chez les principaux chefs de la religion, nommés en Egypte cheiks de la loi, l'astuce commune à tous les prêtres, qui, pour mieux dominer, cherchent à s'emparer de l'esprit des hommes. Leur conver-

much, therefore, by the mere words in which morality is mentioned, that we are to judge of the mental perfections of different nations, as by the place which it clearly holds in the established scale of meritorious acts. In a moment of hyperbolical praise, it may even receive a verbal preference to ceremonies; as in one passage of the Institutes of Menu: "A wise man should constantly discharge all the moral duties, though he perform not constantly the ceremonies of religion; since he falls low, if, while he performs ceremonial acts only, he discharge not his moral

sation est remplie de belles sentences morales, et de grandes images poetiques qu'ils pillent dans les livres Arabes, c'est tout leur savoir; on ne doit pas chercher en eux d'autres connoissances sur la politique, les sciences, &c.; ils n'en soupçonnent pas plus l'existence que l'utilité." (De l'Egypte par le Gen. Reynier, p. 63.) Voltaire remarks, with that felicity with which he sometimes touches an important truth; "La religion de ce Siamois nous prouve que jamais legislateur n'enseigna une mauvaise morale. Voyez, lecteur, que celle de Brama, de Zoroastre, de Numa, de Thaut, de Pythagore, de Mahomet, et meme du poisson Oannes, est absolument la même. J'ai dit souvent qu'on jeterait des pierres à un homme qui viendrait prêcher une morale relâchée." Dictionnaire Philosophique, au mot SAMMONOCODOM.

Garcilasso de la Vega gives us a list of the moral sayings of a celebrated Inca of ancient Peru, named Pachacatec, of which the following are a specimen:

"Better is it, that thou shouldst be envied by others for being good, than that thou shouldst envy others because thou art bad.

"Envy is a cancer, which eats and gnaws into the bowels of the envious.

"Drunkenness, anger, and folly, are equally mischievous; differing only in this, that the two first are transient and mutable, but the third permanent and continuing.

"Adulterers, who take away the good reputation and honesty of another family, are disturbers of the common peace and quiet, and are as bad as thieves and robbers, and therefore to be condemned to the gallows without mercy.

"A truly noble and courageous spirit is best tried by that patience which he shows in the times of adversity.

"Impatience is the character of a poor and degenerate spirit, and of one that is ill taught and educated." Royal Commentaries, book IV. ch. xxxvi.

BOOK II. CHAP. 6.

duties."[1] Yet in the entire system of rules concerning duty, the degree of stress which is laid upon moral acts, may, as in the case of the Hindus, bear no comparison to the importance which is attached to useless or pernicious ceremonies. Such a maxim as that which has just been quoted, can be regarded as but of little value, when it is surrounded by numerous maxims of the following tendency; "Not a mortal exists more sinful than he, who, without an oblation to the manes or gods, desires to enlarge his own flesh with the flesh of another creature."[2] "From the three Vedas, the lord of creatures, incomprehensibly exalted, successively milked out the three measures of that ineffable text, beginning with the word *tad* and entitled, *savitri*, or *gayatri;* whoever shall repeat, day by day, for three years, without negligence, that sacred text, shall hereafter approach the divine essence, move as freely as air, and assume an ethereal form."[3] "Studying and comprehending the Veda, practising pious austerities, acquiring divine knowledge, command over the organs of sense and action, avoiding all injury to sentient creatures, and showing reverence to a natural and spiritual father, are the chief branches of duty which ensure final happiness."[4] "Even three suppressions of breath made according to the divine rule, accompanied with the triverbal phrase, and the triliteral syllable, may be considered as the highest devotion of a Brahmen; for as the dross and impurities of metallic ores are consumed by fire, thus are the sinful acts of the human organs consumed by suppressions of the breath."[5] If we examine that highest degree of merit to which the imagination of the Hindu can ascend, that of the

[1] Institutes of Menu, ch. iv. 204.
[2] Ib. v. 52.
[3] Ib. ii. 77, 82.
[4] Ib. xii. 83.
[5] Ib. vi. 70, 71.

Sanyassi, or professor of austere devotion, we shall find it to consist in an absolute renunciation of all moral duties, and moral affections. "Exemption from attachments, and affection for children, wife, and home;"[1] nay, "the abandonment of all earthly attachments,"[2] form a necessary part of that perfection after which he aspires.

It is by no means unnatural for the religion of a rude people to unite opposite qualities, to preach the most harsh austerities, and at the same time to encourage the loosest morality. It may be matter of controversy to what degree the indecent objects employed in the Hindu worship imply depravity of manners; but a religion which subjects to the eyes of its votaries the grossest images of sensual pleasure, and renders even the emblems of generation objects of worship; which ascribes to the supreme God an immense train of obscene acts; which has these engraved on the sacred cars, pourtrayed in the temples, and presented to the people as objects of adoration, which pays worship to the Yoni, and the Lingam, cannot be regarded as favourable to chastity.[3] Nor

[1] Bhagvat-Geeta, p. 102. [2] Institutes of Menu, ch. vi. 81.

[3] See a fanciful account of the origin of this worship by Mr. Paterson, Asiat. Res. viii. 54. His description of the moral effects of this superstition is more to our purpose: "It is probable," says he, "that the idea of obscenity was not originally attached to these symbols; and, it is likely, that the inventors themselves might not have foreseen the disorders which this worship would occasion amongst mankind. Profligacy eagerly embraces what flatters its propensities, and ignorance follows blindly wherever example excites: it is therefore no wonder that a general corruption of manners should ensue, increasing in proportion as the distance of time involved the original meaning of the symbol in darkness and oblivion. Obscene mirth became the principal feature of the popular superstition, and was, even in after times, extended to, and intermingled with, gloomy rites and bloody sacrifices. An heterogeneous mixture which appears totally irreconcileable, unless by tracing the steps which led to it. It will appear that the ingrafting of a new symbol, upon the old superstition, occasioned this strange medley. The sect of Vishnu was not wholly free from the propensity of the times to obscene rites; it

BOOK II. CHAP. 6.

can it be supposed, when to all these circumstances is added the institution of a number of girls, attached

had been united in interest with that of Siva, in their league against the sect of Brahma, as was expressed by an image, called Har-Heri, half Siva, and half Vishnu. This union seems to have continued till the time when an emblem of an abstract idea, having been erected into an object of worship, introduced a revolution in religion, which had a violent and extended effect upon the manners and opinions of mankind. It was then that a gloomy superstition arose, which spread its baneful influence with rapidity amongst mankind; which degraded the Deity into an implacable tyrant; which filled its votaries with imaginary terrors; which prescribed dreadful rites; and exacted penances, mortifications, and expiatory sacrifices." (Ibid. p. 55.) See also a picture of these religious immoralities by Bernier, Lettre sur les Gentils, pp. 129, 130). But the writer who, above all others, has furnished superabundant evidence of the immoral influence of the Hindu religion, and the deep depravity which it is calculated to produce, is Mr. Ward, in his "View of the History, Literature, and Religion of the Hindoos." From the facts which he records in great detail, the following are the results: "The characters of the gods, and the licentiousness which prevails at their festivals, and abounds in their popular works, with the enervating nature of the climate, have made the Hindoos the most effeminate and corrupt people on earth. I have, in the course of this work, exhibited so many proofs of this fact, that I will not again disgust the reader by going into the subject. Suffice it to say, that fidelity to marriage vows is almost unknown among the Hindoos; the intercourse of the sexes approaches very near to that of the irrational animals . . . . But to know the Hindoo idolatry, as it is, a person must wade through the filth of the thirty-six pooranŭs, and other popular books—he must read and hear the modern popular poems and songs—he must follow the *Bramhŭn through his* midnight orgies, before the image of Kalēē, and other goddesses; or he must accompany him to the nightly revels, the jatras, and listen to the filthy dialogues which are rehearsed respecting Krishnŭ and the daughters of the milkmen; or he must watch him, at midnight, choking with the mud and waters of the Ganges a wealthy relation, while in the delirium of a fever; or, at the same hour, while murdering an unfaithful wife, or a supposed domestic enemy; or he must look at the Bramhŭn hurrying the trembling half-dead widow round the funeral pile, and throwing her like a log of wood by the side of the dead body of her husband, tying her and then holding her down with bamboo levers, till the fire has deprived her of the power of rising and running away . . . . This system of heathenism communicates no purifying knowledge of the divine perfections, supplies no one motive to holiness while living, no comfort to the afflicted, no hope to the dying; but, on the contrary, excites to every vice, and hardens its followers in the most flagrant crimes." (Introductory Remarks, pp. 94, 95.)

to the temples, whose business is dancing and prostitution, that this is a virtue encouraged by the religion of the Hindus.

Another contrast to the tortures and death which the religion of the Hindus exhorts them to inflict upon themselves, is the sacredness which it imprints upon the life of animals. Not only are the Hindus prohibited the use of animal food, except at certain peculiar sacrifices; even the offerings to the gods consist almost entirely of inanimate objects; and to deprive any sensitive creature of life, is a heinous transgression of religious duty. Many of the inferior creatures, both animate and inanimate, are the objects of religious veneration; such, in particular, are the cow, the lotos, and cusa grass. Nor, in this enumeration, must the dung and urine of the cow be forgotten; things so holy as to be of peculiar efficacy in the ceremonies of purification. To whatever origin we may ascribe this strange application of the religious principle, it has at least been very widely diffused. It is known that many negro tribes worship animals and reptiles; and that they carry the solicitude for their preservation to a still more extravagant pitch than even the Hindus; punishing with death those who hurt them even casually.[1] The sacred character in Egypt of the ox, and of many other animals, is too familiarly known to require any proof. The cow was oracular, and sacred among the Amonians.[2] Not only cows, but horses, eagles, lions, bears, were divine animals among the Syrians.[3] The Egyptian priests respected as sacred the life of all animals, and animal food seems to have been in-

[1] Edward's Hist. of the West Indies, ii. 77. 4to. Ed.

[2] Bryant's Analysis of Ancient Mythology, i. 323.

[3] Lucian, De Syria Dea.

terdicted not less in Egypt than in Hindustan.[1] At an early period, the Greeks, and even the Romans, punished with death, the killing of an ox.[2] The worship of this species of quadrupeds appears indeed to have been common to all the idolatrous nations from Japan to Scandinavia.[3] That, in India, it was a worship directed to no moral end, is evident upon the slightest inspection. To renounce the benefits which the inferior animals are fitted by nature to render to man, is not humanity, any more than swinging before an idol, by an iron hook, forced through the muscles of the back, is the virtue of self-command. And that this superstition took not its rise from a sensibility to the feelings of animated creatures, is evident from the barbarous character of several of the nations where it prevails; from the proverbial cruelty suffered by the labouring animals of Hindustan; and from the apathy with which human beings are left to expire by hunger and disease, while reptiles are zealously tended and fed.[4]

[1] The priests of Egypt, says Herodotus, account it unholy to kill any thing which has life, saving what they use in sacrifice; Herod. Hist. lib. 1. cap. 140: and Porphyry informs us that it was not till a late period of their history that animal sacrifices were introduced. De Abstin. lib. ii. et iv.

[2] Ab hoc antiqui manus ita abstinere voluerunt, ut capite sanxerint, si quis occidisset. Varro. De Re Rustica, lib. ii. cap. 5.

[3] See the satisfactory proofs adduced in the very learned and instructive, though erroneous work, of Dupuis, Origine de tous les Cultes, liv. iii. ch. viii.

[4] "Although the killing an animal of this" (the ox) "kind is by all Hindus considered as a kind of murder, I know no creature whose sufferings equal those of the labouring cattle of Hindustan." (Buchanan, Journey, &c. i. 167.) See also Ward on the Hindus, Introd. p. xliii. An hospital for the sick poor, says Dr. Tennant, was never known in India, before the establishment of the British; though there were for dogs, cats, &c. (Indian Recreations, i. 73.) The authors of the Universal History inform us gravely, on the authority of Ovington, that the Hindus have a care for the preservation of fleas, bugs, and other vermin, which suck the

Religion consists of two great doctrines, that concerning the nature and service of God; and that

blood of man: for in a hospital near Surat, built for their reception, a poor man is hired now and then to rest all night upon the *kot* or bed where the vermin are put; and lest their stinging should force him to take his flight before morning, he is tied down to the place, and there lies for them to glut themselves with human gore." (Modern Univ. Hist. vi. 262.) Anquetil Duperron, who describes a temple near Surat, full of those sacred animals, adds: "La vue de l'hopital des animaux, entretenu par des etres raisonables avec tout l'ordre, le soin, le zele meme que l'on pourroit exiger d'eux, s'il etoit question de leur semblable, et cela meme dans un pays, ou il n'y a d'etablissemens publics, ni pour les malades, ni pour les vieillards; la vu d'un pareil hopital auroit de quoi etonner, si l'on ne sçavoit pas que la nature se plait aux disparates en Asie comme en Europe. (Voyages aux Indes Orient. Disc. Prelim. Zendavesta, i. ccclxii.) "The Gentoos, though they will not kill their neat, make no conscience to work them to death, allowing them hardly food to keep them alive. Neither are they less inhuman towards their sick, a woman being brought to die among the tombs in my sight." Fryer's Travels, ch. v. sect. 3. See to the same purpose, the Abbé Dubois, p. 132; Ward on the Hindoos, Introd. p. lv. It is worth observing that Milton, the universality of whose knowledge is not the least remarkable particular of his wonderful mind, was acquainted with the disgusting superstition of letting the vermin devour the man: "Like the vermin," says he, "of an Indian Catharist, which his fond religion forbids him to molest." Tetrachordon, Milton's Prose Works, ii. 122, 8vo. Edit. Tenderness to animals was a part of the religion of Zoroaster. We are informed in the Sadda, that he obtained from God a view of the regions of infernal torment, where he saw a number of kings, and among the rest one without a foot. He begged to know the reason, and God said to him; "that wicked king never performed but one good action in his life. He saw, as he was going to the chase a dromedary tied at too great a distance from its provender, endeavouring to eat, but unable to reach it: he pushed the provender towards it with his foot. I have placed that foot in heaven; all the rest of him is here." Voltaire, Essai sur les Mœurs et l'Esprit de Nations, ch. v. The following, Porphyry tells us, (De Abstin. lib. iv. p. 431) were laws of Triptolemus, 1. To honour our parents; 2. To offer nothing to the gods but the fruits of the earth; 3. Never to hurt animals. "The inhabitants of Miniana," (a place not far from Sego, in the heart of Africa) "eat their enemies, and strangers, if they die in the country. They eat the flesh of horses. But such is their veneration for the cow, that she is never killed." Park's last Mission to Africa, p. 166.

Mr. Richardson (see his Dissertation on Eastern Manners, p. 16) denies the authenticity of the fragments of the Zendavesta collected by Anquetil Duperron, on account of "the uncommon stupidity," as he is pleased to express it, "of the work itself." Yet it is in a strain remark-

BOOK II. CHAP. 6.

concerning the nature and destination of the human soul. In the complicated superstition of the Hindus, the first presented many questions which it needed a considerable accumulation of evidence to solve. Of the latter, a just idea may be speedily conveyed.

It is well known that the metempsychosis, or the transmigration of the soul into various orders of

ably resembling that of the Vedas; the same sublime praises bestowed upon the Divinity; superstitions equally gross; discourses equally childish. We must not however on this account question the authenticity of the Vedas and the Puranas, though we must renounce the vulgar belief of the great wisdom of the Brahmens. In truth, the stupidity, as Mr. Richardson calls it, of the Zendavesta, and its remarkable similarity to the sacred books of the Hindus, is the most striking proof of its authenticity. There is the strongest reason to conclude that the ancient Magi, and the ancient Brahmens, were people very much upon a level; and that the fame of Zoroaster for wisdom is no better founded than that of the Indian sages. There is a radical difference, he says, between the language of the Zendavesta, and the modern Persian (Ibid.) But the same is the case with the Sanscrit, which Sir William Jones thinks, from this circumstance, can never have been vernacular in Hindustan. (See Disc. on the Hindus, Asiat. Researches, i. 422.) The language, he says, of the Zendavesta has many words, which a modern Persian could not pronounce, but there are many words in the German language which an Englishman or Frenchman cannot pronounce, though the German is the basis of the languages of both. The Zendavesta, he says, contains Arabic words; but it contains Arabic only as the Greek contains Sanscrit. In fact, the identities which can be traced in all languages is one of the most remarkable circumstances in the history of speech. Of the Vedas, a man who had unrivalled opportunities of information informs us, "They contain nothing important or rational. In fact, they have nothing but their antiquity to recommend them. As to any thing further, they include all the absurdities of Hindu paganism, not only such as it has originally been, but also the pitiful details of fables which are at present current in the country, relating to the fantastical austerities of the Hindu hermits, to the metamorphoses of Vishnu, or the abominations of the lingam. The fourth of them, called Atharvana-veda, is the most dangerous of all for a people so entirely sunk in superstition, because it teaches the art of magic, or the method of injuring men by the use of witchraft and incantation." (Description, &c. of the people of India, by the Abbé Dubois, p. 102.) Even the *gayatri*, the most holy of all holy things, is an assemblage, says the Abbé, of unmeaning terms, "unintelligible to the Brahmens themselves. I have never met with any one who could give me a tolerable explication of it." Ib. p. 79.

being, reviving in one form, when it ceases to exist in another, is the tenet of the Hindus. This is a theory well calculated to present itself to the mind of the rude inquirer, when first excited to stretch his views beyond the present term of sensation and action. The vegetable life, which expires in the plant, in autumn, revives in the seed in spring. The sluggish worm, which undergoes a species of death, and buries itself in a tomb of its own formation, springs again to life, a gay and active creature, as different in appearance, as in appetites and powers. Every thing on earth is changed, nothing annihilated; and the soul of the man who expires to day, revives in something else, to which life is at that instant imparted.

Some very obvious, and very impressive appearances must have suggested the notion of the metempsychosis, since it is one of the most ancient, and one of the most general of all religious opinions. "No doctrine," says Dupuis, "was ever more universally diffused; none claims an origin so ancient. It reigned in the East, and in the West, among rude nations, and polished nations; and it ascends to antiquity so high, that Burnet ingeniously declares, one would believe it to be descended from heaven; so much it appears without father, without mother, and without descent."[1] The Brahmens grafted upon it, in their usual way, a number of fantastic refinements, and gave to their ideas on this subject, a more systematic form than is usual with those eccentric theologians. They describe the mind as characterized

[1] Dupuis, Origine de tous les Cultres, tom. ii. par. 2, p. 181; where the reader will find authorities to prove the antiquity and diffusion of this peculiar doctrine. See too the learned Beausobre, Hist. de Manich. tom. ii. liv. vii. ch. 5, sect. 4. For its existence among the Mexicans, see Clavigero, book vi. sect. 1.

BOOK II. CHAP. 6.

by three qualities, goodness, passion, darkness. According as any soul is distinguished by one or another of those qualities in its present life, is the species of being into which it migrates in the life to come. Souls endued with goodness attain the condition of deities; those filled with passion receive that of men; those immersed in darkness are condemned to that of beasts. Each of these conditions, again, is divided into three degrees, a lower, a middle, and a higher. Of the souls distinguished by darkness, the lowest are thrust into mineral and vegetable substances, into worms, reptiles, fishes, snakes, tortoises, cattle, shakals; the middle pass into elephants, horses, Sudras, Mlec'has, (a word of very opprobrious import, denoting men of all other races not Hindu,) lions, tigers, and boars; the highest animate the forms of dancers, singers, birds, deceitful men, giants, and blood-thirsty savages. Of the souls who receive their future condition from the quality of passion, the lowest pass into cudgel players, boxers, wrestlers, actors, those who teach the use of weapons, and those who are addicted to gaming and drinking; the middle enter the bodies of kings, men of the fighting class, domestic priests of kings, and men skilled in the war of controversy; the highest become gandharvas, (a species of supposed aërial spirits, whose business is music,) genii, attending superior gods, together with various companies of apsarases, or nymphs. Of the souls who are characterized by the quality of goodness, the lowest migrate into hermits, religious mendicants, other Brahmens, such orders of demigods as are wafted in airy cars, genii of the signs and lunar mansions, and Daityas, another of their many orders of superior spirits; the middle attain the condition of sacrificers, of holy sages, deities of the lower heaven, genii of the Vedas,

regents of stars, divinities of years, Pitris, and Sadhyas, two other species of exalted intelligences; the highest ascend to the condition of Brahma with four faces, of creators of worlds, of the genius of virtue, and the divinities presiding over the two principles of nature.[1] Besides this general description of the future allotment of different souls, a variety of particular dooms are specified, of which a few may be taken as an example. "Sinners in the first degree," says the ordinance of Menu, "having passed through terrible regions of torture, for a great number of years, are condemned to the following births at the close of that period. The slayer of a Brahmen must enter the body of a dog, a boar, an ass, a camel, a bull, a goat, a sheep, a stag, a bird, a Chandala, or a Puccasa. He, who steals the gold of a priest, shall pass a thousand times into the bodies of spiders, of snakes, and camelions, of crocodiles, and other aquatic monsters, or of mischievous blood-sucking demons. He who violates the bed of his natural or spiritual father, migrates a hundred times into the forms of grasses, of shrubs, with crowded stems, or of creeping and twining plants, carnivorous animals, beasts with sharp teeth, or cruel brutes."[2] After a variety of other cases, a general rule is declared, for those of the four castes who neglect the duties of their order: "Should a Brahmen omit his peculiar duty, he shall be changed into a demon, with a mouth like a firebrand, who devours what has been vomited; a Cshatriya, into a demon who feeds on ordure and carrion; a Vaisya, into an evil being who eats purulent carcases; and a Sudra, who neglects his occupations, into a foul embodied spirit, who feeds on lice."[3]

[1] Institutes of Menu, ch. xii. 24, 40 to 51. [2] Ib. 54 to 58.
[3] Ib. 71, 72.

The reward of the most exalted piety, of the most profound meditation, of that exquisite abstemiousness which dries up the mortal frame, is peculiar: Such a perfect soul becomes absorbed in the Divine essence, and is for ever exempt from transmigration.[1]

We might very easily, from the known laws of human nature, conclude, notwithstanding the language held by the Hindus on the connection between future happiness and the virtue of the present life, that rewards and punishments, very distant and very obscure, would be wholly impotent against temptations to crime; though, at the instigation of the priests, they might engage the people in a ceaseless train of wretched ceremonies. The fact corresponds most exactly with the anticipation. An admirable witness has said, "The doctrine of a state of future rewards and punishments, as some persons may plead, has always been supposed to have a strong influence on public morals: the Hindoos not only have this doctrine in their writings, but are taught to consider every disease and misfortune of life as an undoubted symptom of moral disease, and the terrific appearance of its close-pursuing punishment. Can this fail to produce a dread of vice, and a desire to merit the favour of the Deity? I will still farther," he adds, "assist the objector; and inform him, that the Hindoo writings declare, that till every immoral taint is removed, every sin atoned for, and the mind has obtained perfect abstraction from material objects, it is impossible to be re-united to the great spirit; and that, to obtain this perfection, the sinner must linger in many hells, and transmigrate through almost every form of matter." Our informant then declares; "Great as these terrors are, there is no-

[1] Institutes of Menu, ch. xii. 125.

thing more palpable than that, with most of the Hindoos, they do not weigh the weight of a feather, compared with the loss of a roopee. The reason is obvious: every Hindoo considers all his actions as the effect of his destiny; he laments, perhaps, his miserable fate, but he resigns himself to it without a struggle, like the malefactor in a condemned cell." This experienced observer adds, what is still more comprehensive, that the doctrine of future rewards and punishments has, in no situation, and among no people, a power to make men virtuous.[1]

[1] "To this," he says, "may be added, what must have forced itself on the observation of every thoughtful observer, that, in the absence of the religious principle, no outward terrors, especially those which are invisible and future, not even bodily sufferings, are sufficient to make men virtuous. Painful experience proves, that even in a Christian country, if the religious principle does not exist, the excellence and the rewards of virtue, and the dishonour and misery attending vice, may be held up to men for ever, without making a single convert." Ward, "View, &c. of the Hindoos," Introd. p. lxxxiv. Here, however, Mr. Ward ought to have explained what he meant by the "religious principle," by which different persons mean very different things. This was the more necessary, that, having taken away all efficacy from the doctrine of future rewards and punishments, he strips religion of all power over the lives and actions of men, except in as far as good effects may be expected from the "religious principle," which, whatever else it may not be, is at any rate, in his estimation, not the expectation of future rewards and punishments.

CHAP. VII.

Manners.

BOOK II. CHAP. 7.

By the manners of a nation are understood the peculiar modes in which the ordinary business of human life is carried on. The business itself is every where essentially the same. In all nations men eat and drink; they meet, converse, transact, and sport together. But the manner in which these and other things are performed is as different as the nations are numerous into which the race is divided.

So much of the entire business of life, among the Hindus, consists in religious services, that the delineation of their religion is a delineation of the principal branch of their manners.

The singular distinctions, attached to the different classes, present another remarkable feature in the manners of this people. The lower orders, in other countries, are often *lamentably debased; in* Hindustan they are degraded below the brutes. With the single exception of the Vaisya caste, to whom is appropriated the business of agriculture and of barter, the whole of the productive classes, according to the standards of law and religion, are vile and odious, unworthy to eat, to drink, or to sit with a member of the classes above them.

There are four remarkable periods into which, with respect to the three honourable classes, human life is divided. Of these periods; or orders, as they are denominated by the Hindus; the first is that of the student; the second, that of the householder;

the third, that of the man who performs penance or other religious acts, residing continually in a forest; the fourth, that of the Sannyasi, or the ascetic absorbed in divine contemplation.[1]

The period of the student commences at the era of investiture.[2] Prior to this age, the situation of children is remarkable; even those of a Brahmen are not held superior in rank to a Sudra.[3] The condition of the student much more closely resembles that of an European apprentice than that of a pupil in literature. He dwells in the house of his preceptor, and tends him with the most respectful assiduity. He is commanded to exert himself in all acts useful to his teacher;[4] and of course performs the part of an assistant in all the offices of religion.[5] "As he who digs deep with a spade comes to a spring of water, so the student, who humbly serves his teacher, attains the knowledge which lies deep in his teacher's mind." Upon the student of the priestly order a peculiar burden, or distinction, is imposed: to acquire daily his food by begging.[6]

The gift of sacred instruction is not bestowed indiscriminately; but the text, which regulates the choice of pupils, is so vague as to leave the selection nearly at the discretion of the master. "Ten persons," it is declared, "may legally be instructed in the Veda; the son of a spiritual teacher; a boy who is assiduous; one who can impart other knowledge; one who is just; one who is pure; one who is friendly; one who is

[1] See Laws of Menu, ch. ii. iii. and vi.

[2] See the account of this æra, p. 257 of this volume.

[3] Institutes of Menu, ch. ii. 173. [4] Ibid. ch. ii. 191.

[5] "Let him carry water-pots, flowers, cow-dung, fresh earth, and cusa grass, as much as may be useful to his preceptor." Ibid. 182.

[6] "The subsistence of a student by begging is held equal to fasting in religious merit." Ibid. 218. There are numerous precepts respecting the niceties of begging. Ibid. 48 to 50, and 183 to 190.

BOOK II. CHAP. 7.

powerful; one who can bestow wealth; one who is honest; and one who is related by blood. Where virtue and wealth are not found, or diligent attention proportioned, in that soil divine instruction must not be sown; it would perish like fine seed in barren land."[1]

The instruction which is bestowed may soon be described. "The venerable preceptor, having girt his pupil with the thread, must first instruct him in purification, in good customs, in the management of the consecrated fire, and in the holy rites of morning, noon, and evening."[2] The grand object of attention and solicitude is the reading of the Veda.[3] Some classes of the Brahmens have united with their religious doctrines certain speculations concerning the intellectual and material worlds; and these speculations have been dignified with the name of philosophy; but the holy rites, and the Veda, form the great, and on most occasions the exclusive object of that higher instruction which is bestowed on the pupil of the Brahmen.

On this important occasion, as on other occasions, the attention of the Hindu is much more engaged by frivolous observances, than by objects of utility. While the directions laid down respecting the instruction of the pupil are exceedingly few and insignificant, the forms, according to which he must pay his duty to the master, are numerous, minute, and emphatically enjoined.[4]

[1] Institutes of Menu, ch. ii. 109, 112. [2] Ibid. 69. [3] Ibid. 70.

[4] When the student is going to read the Veda, he must perform an ablution, as the law ordains, with his face to the north; and at the beginning and end of each lesson, he must clasp both the feet of his preceptor, and read with both his hands closed. "In the presence of his preceptor let him always eat less; and wear a coarser mantle, with worse appendages: let him rise before, and go to rest after his tutor. Let him not answer his teacher's orders, or converse with him, reclining on a bed;

The duration of the period of study is very indefinite. "The discipline of a student in the three Vedas may be continued for thirty-six years, in the house of

nor sitting, nor eating, nor standing, nor with an averted face: But let him both *answer and converse*, if his preceptor sit, standing up; if he stand, advancing toward him; if he advance, meeting him; if he run, hastening after him; if his face be averted, going round to front him, *from left to right*; if he be at a little distance, appoaching him; if reclined, bending to him; and if he stand ever so far off, running toward him. When his teacher is nigh, let his couch or his bench be always placed low; when his preceptor's eye can observe him, let him not sit carelessly at his ease. Let him never pronounce the mere name of his tutor, even in his absence; by censuring his preceptor, though justly, he will be born an ass. He must not serve his tutor by the intervention of another, while himself stands aloof; nor must he attend him in a passion, nor when a woman is near: from a carriage or raised seat he must descend to salute his heavenly director. Let him not sit with his preceptor to the leeward, or to the windward of him; nor let him say any thing which the venerable man cannot hear." Institutes of Menu, ch. ii. 70, 71, and 194 to 199, and 201 to 203. Even to the sons and wives of the preceptor must numerous tokens of profound respect be shown, Ibid. 207 to 218. For his general conduct "these following rules," says Menu, "must a Brahmachari, *or student in theology*, observe, while he dwells with his preceptor; keeping all his members under control, for the sake of increasing his habitual devotion. Day by day, having bathed and being purified, let him offer fresh water to the gods, the sages, and the manes; let him show respect to the images of the deities, and bring wood for the oblation to fire. Let him abstain from honey, from flesh-meat, from perfumes, from chaplets of flowers, from sweet vegetable juices, from women, from all sweet substances turned acid, and from injury to animated beings; from unguents for his limbs, and from black powder for his eyes, from wearing sandals and carrying an umbrella, from sensual desire, from wrath, from covetousness, from dancing, and from vocal and instrumental music; from gaming, from disputes, from detraction, and from falsehood, from embracing or wantonly looking at women, and from disservice to other men. Let him sleep constantly alone." Next are forbidden several acts of sensual impurity which are too gross to be described; and the holy text thus again proceeds; "Let him carry water-pots, flowers, cow-dung, fresh earth and cusa grass, as much as may be useful to his preceptor. Having brought logs of wood from a distance, let him place them in the open air; and with them let him make an oblation to fire, without remissness, both evening and morning. Let the scholar, when commanded by his preceptor, and even when he has received no command, always exert himself in reading. Let not the sun ever rise or set while he lies asleep in the village." Institutes of Menu, ch. ii. 175 to 183, 186, 191, 219.

BOOK II. CHAP. 7.

his preceptor; or for half that time, or for a quarter of it, or until he perfectly comprehend them: A student, whose rules have not been violated, may assume the order of a married man, after he has read in succession a sac'ha, or branch from each of the three Vedas, or from two or from any one of them."[1] It is even permitted to pass the whole period of life in the state of a pupil; and to this merit so exalted is ascribed, that the very highest rewards of religion are bestowed upon it. "If a student anxiously desire to pass his whole life in the house of a sacerdotal teacher, he must serve him with assiduous care, till he be released from his mortal frame. That Brahmen who has dutifully attended his preceptor till the dissolution of his body, passes directly to the eternal mansion of God."[2] Should the teacher die, the student must attend upon his widow, his son, or one of his paternal kinsmen, with the same respect as to the deceased preceptor. Should none of these be living he occupies the seat of the preceptor himself.[3]

[1] Institutes of Menu, ch. iii. 1. [2] Ibid. ii. 243, 244.

[3] Ib. 247, 248. The following modes of living are pointed out to the Brahmen; 1. lawful gleaning and gathering; 2. what is given unasked; 3. what is asked as alms; 4. tillage; 5. traffic and money lending: even by these two last, when distressed, he may live; but service for hire is named dog-living, which he must always avoid, iv. 4, 5, 6. His hair, nails, and beard being clipped; his passions subdued; his mantle white; his body pure; let him diligently occupy himself in reading the Veda. Let him carry a staff of Venu, an ewer with water in it, an handful of cusa grass, or a copy of the Veda: with a pair of bright golden rings in his ears. He must not gaze on the sun, whether rising or setting, or eclipsed, or reflected in water, or advanced to the middle of the sky. Over a string to which a calf is tied, let him not step; nor let him run while it rains; nor let him look on his own image in water: this is a settled rule. By a mound of earth, by a cow, by an idol, by a Brahmen, by a pot of clarified butter or of honey, by a place where four ways meet, and by large trees well known in the district, let him pass with his right hand toward them, 35, 36, 37, 38, 39.

Let him neither eat with his wife, nor look at her eating, nor sneezing, or yawning, or sitting carelessly at her ease, 43.

Some precepts are ludicrous. "Let him not eat his food, wearing

To the state of the student succeeds that of the married man, or the housekeeper. It is at this epoch that the Hindu begins to sustain a part as the member of society.

Marriage is a religious duty; and a duty of the highest order. Except for some grand plan of devotion, as that of remaining a student, or of becoming a fakeer, no man neglects at an early age to fulfil this sacred obligation. As the sacrament of obsequies to the manes of ancestors can be performed only by a male descendant, and as any failure in these obsequies deeply affects the spirits of the dead, to die without a son is regarded as one of the greatest of all calamities.[1]

only a single cloth, nor let him bathe quite naked; nor let him eject urine or feces in the highway, nor on ashes, nor where kine are grazing, nor on tilled ground, nor in water, nor on wood raised for burning, nor, *unless he be in great need*, on a mountain, nor on the ruins of a temple, nor at any time on a nest of white ants, nor in ditches with living creatures in them, nor walking, nor standing, nor on the bank of a river, nor on the summit of a mountain: nor let him ever eject them, looking at *things moved by* the wind, or at fire, or at a priest, or at the sun, or at water, or at cattle: But let him void his excrements, having covered the earth with wood, pot-herbs, *dry* leaves and grass, or the like, carefully suppressing his utterance, wrapping up his breast and his head: By day let him void them with his face to the north; by night, with his face to the south; at sunrise and sunset, in the same manner as by day; In the shade or darkness, whether by day or by night, let a Brahmen ease nature with his face turned as he pleases; and in places where he fears injury to life *from wild beasts or from reptiles*," 45 to 51.

"Let not a man, desirous to enjoy long life, stand upon hair, nor upon ashes, bones, or potsherds, nor upon seeds of cotton, nor upon husks of grain," 78.

An infinite number of things relative to food are to be attended to, 207 to 225.

1 A man is nevertheless forbidden to marry before his elder brother. Ibid. 172. But if among several brothers of the whole blood, one have a son born, Menu pronounces them all fathers of a male child, by means of that son. Ibid. 182. There is a singular importance attached to the having of a son: "By a son a man obtains victory over all people; by a son's son he enjoys immortality; and afterwards by a son of that grand-

BOOK II. CHAP. 7.

The ceremonies of marriage, entirely religious, have been already described. Marriages are distinguished into eight kinds; of which one half are honourable, and differ from one another only in some minute circumstances; in the fifth the bridegroom bestows gifts upon the bride, her father, and paternal kinsman; the last three are rather species of unlawful connexion, than forms of nuptial contract; one being voluntary and by mutual consent; the other forcible, when a woman is seized, "while she weeps, and calls for assistance, after her kinsmen and friends have been slain in battle;" the last, "when the damsel is sleeping, or flushed with strong liquor, or disordered in her intellect."[1] With the grand rule to prevent the intermixture of the castes, the reader is already acquainted. "For the first marriage of the twice-born classes," says the law of Menu, "a woman of the same class is recommended; but for such as are impelled by inclination to marry again, women in the direct order of the classes are to be preferred: a Sudra woman only must be the wife of a Sudra; she and a Vaisya of a Vaisya; they two and a Cshatriya, of a Cshatriya; those two and a Brahmani, of a Brahmen."[2] The Hindu law-givers, who commonly mistake minuteness for precision, and are apt to be most

son he reaches the solar abode." Ibid. 137. Kinsmen, as among the Jews, were allowed to raise up seed to one another. Not only was a widow, left without children, permitted to conceive by a kinsman of her husband; but even before his death, if he was supposed to be attacked by an incurable disease. Ibid. ix. 59, 162, 164. A daughter, too, when a man had no sons, might be appointed for the same purpose. Ibid. 127. In Egypt, in the same manner, a widow left without children cohabited with the brother of the deceased. Recherches Philosoph. sur les Egyptiens et les Chinois, i. 70.

[1] Institutes of Menu, ch. iii. 27 to 34. The crimes implied in the last two cases must have been frequent to make them be distinguished formally in books of sacred law as two species of marriage.

[2] Ibid. 12, 13.

particular where it is least required, make rules for the choice of a wife. "In connecting a man's self with a wife, let him," says Menu, "studiously avoid the ten following families, be they ever so great, or ever so rich in kine, goats, sheep, gold, and grain: The family which has omitted prescribed acts of religion; that which has produced no male children; that in which the Veda has not been read; that which has thick hair on the body; and those which have been subject to hemorrhoids, to phthisis, to dyspepsia, to epilepsy, to leprosy, and to elephantiasis. Let him not marry a girl with reddish hair, nor with any deformed limb; nor one troubled with habitual sickness; nor one either with no hair, or too much; nor one immoderately talkative; nor one with inflamed eyes; nor one with the name of a constellation, of a tree, or of a river, of a barbarous nation, or of a mountain, of a winged creature, a snake, or a slave; nor with any name raising an image of terror. Let him choose for his wife a girl, whose form has no defect; who has an agreeable name; who walks gracefully like a phenicopteros, or like a young elephant; whose hair and teeth are moderate respectively in quantity and in size; whose body has exquisite softness."[1]

The condition of the women is one of the most remarkable circumstances in the manners of nations. Among rude people, the women are generally degraded; among civilized people they are exalted.[2] In the barbarian, the passion of sex is a brutal impulse, which infuses no tenderness; and his undisciplined nature leads him to abuse his power over every creature that is weaker than himself. The history of uncultivated nations uniformly represents the women as in a state

[1] Institutes of Menu, ch. iii. 6 to 10.

[2] This important subject is amply and philosophically illustrated by Professor Millar, in his Inquiry into the Distinction of Ranks, ch. i.

BOOK II. CHAP. 7.

of abject slavery, from which they slowly emerge, as civilization advances. Among some of the negro tribes on the coast of Africa, the wife is never permitted to receive any thing from the hands of her husband, or even to appear in his presence, except on her knees.[1] In the empire of Congo, where the people are sufficiently advanced to be united in a large community; and in most of the nations which inhabit the southern regions of Africa, the women are reckoned unworthy to eat with the men.[2] In such a state of society property is an advantage which it may naturally be supposed that the degraded sex are by no means permitted to enjoy. Not only among the African and other savage tribes, and the Tartars of the present day, but among the ancient inhabitants of Chaldea and Arabia, and all the nations of Europe in their ancient uncivilized state, the women were excluded from the inheritance of the family.[3] Being condemned to severe and perpetual labour, they are themselves regarded as useful property. Hence a father parts not with his daughter but for a valuable consideration; hence the general custom, among barbarous nations, as in Pegu, in Siberia, among the Tartars, among the negroes on the coast of Guinea, among the Arabs, and even among the Chinese, of purchasing the bride by a dower.[4] It is only in that improved state of property and security, when the necessities of life have ceased to create perpetual solicitude, and when a large share of attention may be

[1] Histoire Generale des Voyages, tom. v. liv. x. ch. iii.

[2] Ibid. tom. vi. liv. xiii. ch. iii. sect. 2, and tom. iv. liv. vii. ch. xiii. sect. 1.

[3] See Inquiry into the distinction of Ranks, ch. i. sect. 1. They were admitted to inheritance among the Jews plainly as a novelty, and an institution unknown to their neighbours. Numbers, ch. xxvii.

[4] See the authorities quoted by Millar, Distinction of Ranks, ch. i. sect. 1; and Goguet, Origin of Laws, i. 25, 26.

given to its pleasures; that the women, from their influence on those pleasures, begin to be an object of regard. As society refines upon its enjoyments, and advances into that state of civilization, in which various corporeal qualities become equal or superior in value to corporeal strength, and in which the qualities of the mind are ranked above the qualities of the body, the condition of the weaker sex is gradually improved, till they associate on equal terms with the men, and occupy the place of voluntary and useful coadjutors.

A state of dependance more strict and humiliating than that which is ordained for the weaker sex among the Hindus cannot easily be conceived. "Day and night," says Menu, "must women be held by their protectors in a state of dependance."[1] Who are meant by their protectors is immediately explained: "Their fathers protect them in childhood; their husbands protect them in youth, their sons protect them in age: a woman," it is added, "is never fit for independence. Let husbands consider this as the supreme law, ordained for all classes; and let them, how weak soever, diligently keep their wives under lawful restrictions."[2] "By a girl, or by a young woman, or by a woman advanced in years, *nothing*," says the same code, "must be done, even in her own dwelling-place, according to her mere pleasure. In childhood must a female be dependant on her father; in youth, on her husband; her lord being dead, on her sons: a woman must never seek independence."[3] The deference which is exacted towards her husband is without limits. "Though inobservant of approved usages, or enamoured of another woman, or devoid of good qualities, yet a husband must constantly be revered as a

[1] Institutes of Menu, ch. ix. 2. [2] Ibid. 3, 6.
[3] Ibid. v. 147, 148.

god by a virtuous wife. No sacrifice is allowed to women apart from their husbands, no religious rite, no fasting: as far only as a wife honours her lord, so far she is exalted in heaven."[1] "She who neglects her lord, though addicted to gaming, fond of spirituous liquors, or diseased, must be deserted for three months, and deprived of her ornaments and household furniture."[2] To every species of ill-usage, she is bound to submit; "neither by sale nor desertion," says the ordinance of Menu, "can a wife be released from her husband: thus we fully acknowledge the law enacted of old by the lord of creatures."[3] This is a remarkable law; for it indicates the power of the husband to sell his wife for a slave, and by consequence proves, that her condition, while in his house, was not regarded as very different from slavery. A law is even made to direct the mode in which she is beaten; "A wife, a son, a servant, a pupil, and a younger whole brother, may be corrected, when they commit faults, with a rope, or the small shoot of a cane; but on the back part only of their bodies, and not on a noble part by any means."[4]

Nothing can exceed the habitual contempt which the Hindus entertain for their women. Hardly are they ever mentioned in their laws, or other books, but as wretches of the most base and vicious inclinations, on whose nature no virtuous or useful qualities can be engrafted. "Their husbands," says the sacred code, "should be diligently careful in guarding them; though they well know the disposition with which the lord of creation formed them; Menu allotted to such women a love of their bed, of their

[1] Institutes of Menu, ch. v. 154, 155. [2] Ibid. ix. 78.

[3] Ibid. 46.

[4] Ibid. ch. viii. 299, 300. Beating their wives is a common discipline. See Buchanan's Journey, i. 247, 249.

seat, and of ornament, impure appetites, wrath, weak flexibility, desire of mischief, and bad conduct."[1] "Be there no place, be there no time, be there no one to tempt them," says the Hetopadesa, "then, O Narada, doth women's chastity appear. Women at all times have been inconstant, even among the celestials, we are told. In infancy the father should guard her, in youth her husband should guard her, and in old age her children should guard her; for at no time is a woman proper to be trusted with liberty."[2] The same author declares again; "Unto woman no man is to be found disagreeable, no man agreeable. They may be compared to a heifer on the plain, that still longeth for fresh grass. Infidelity, violence, deceit, envy, extreme avariciousness, a total want of good qualities, with impurity, are the innate faults of womankind."[3]

[1] Institues of Menu, ix. 16, 17. [2] Wilkins' Hetopadesa, p. 54.

[3] Ibid. p. 78. In Halhed's Code of Gentoo Laws, the character of women is depicted in terms which, were they not strong evidence to an important point, delicacy would forbid to be transcribed: "A woman," says the law, "is never   no more than fire is satisfied with burning fuel, or the main ocean with receiving the rivers, or the empire of death with the dying of men and animals: in these cases therefore a woman is not to be relied on." (Gentoo Code, ch. xx.) "Women have six qualities; the first an inordinate desire for jewels and fine furniture, handsome clothes, and nice victuals; the second, immoderate lust; the third, violent anger; the fourth, deep resentment; the fifth, another person's good appears evil in their eyes; the sixth, they commit bad actions." (Ibid.) Six faults are likewise ascribed to women, in the Institutes of Menu, but they are differently stated; "Drinking spirituous liquors, associating with evil persons, absence from her husband, rambling abroad, unseasonable sleep, and dwelling in the house of another, are six faults which bring infamy on a married woman. Such women examine not beauty, nor pay attention to age; whether their lover be handsome or ugly, they think it enough that he is a man, and pursue their pleasures. Through their passion for men, their mutable temper, their want of settled affection, and their perverse nature (let them be guarded in this world ever so well,) they soon become alienated from their husbands." Institutes of Menu, ch. ix. 13, 14, 15.

BOOK II. CHAP. 7.

They are held, accordingly, in extreme degradation. They are not accounted worthy to partake of religious rites but in conjunction with their husbands.[1] They are entirely excluded from the sacred books; "Women have no business with the texts of the Veda; thus is the law fully settled: having, therefore, no evidence of law, and no knowledge of expiatory texts, sinful women must be as foul as falsehood itself. To this effect many texts, which may show their true disposition, are chanted in the Vedas."[2] "A minor," says the law, "one single person, a woman, a man of bad principles, &c. may not be witnesses."[3] We have already seen, as in the most barbarous nations, that the women among the Hindus are excluded from sharing in the paternal property.[4] They are, by system, deprived of education.[5] That remarkable proof of barbarity, the wife held unworthy to eat with her husband, is prevalent in Hindustan.[6]

[1] See Institutes of Menu, quoted in note 1, p. 386.

[2] Institutes of Menu, ch. ix. 18, 19.

[3] Halhed's Gentoo code, ch. iii. sect. 8.

[4] See ch. iv. p. 214; Menu, ch. iv. 43.

[5] The Hindu women, says Mr. *Forster*, (*Travels*, *i.* 59) are debarred the use of letters. The Hindus hold the invariable language, that acquired accomplishments are not necessary to the domestic classes of the female sex.

[6] "The husband and wife never eat together; for the Indians consider it as indecent, and contrary to that respect which is due to the former." Bartolomeo's Travels, book i. ch. 7. Sonnerat says, "The women are ugly, slovenly, and disgusting. The husband does not permit them to eat with him. They are honourable slaves, for whom some regard is entertained." Voy. liv. iii. ch. i. "So indelicate are the men with respect to the women," says Mr. Motte, speaking of the province of Sumbhulpoor, "that I have been introduced and obliged to show respect to a man of consequence in the morning, whose wife has in the afternoon brought a load of wood of her own cutting, as much as she could stagger under, and sold it me for a penny." Motte's Journey to Orissa, Asiatic Annual Register, i. 76. In another part of the same Journey, p. 67, Mr. Motte says, "I was first struck with the sight of women ploughing,

An almost unlimited power of rejection or divorce appears to be reserved to the husband. In the code of Gentoo laws, among various other ordinances to the same purpose, it is declared that, "a woman who dissipates or spoils her own property, or who procures abortion, or who has an intention to murder her husband, and is always quarrelling with every body, and who eats before her husband eats, such women shall be turned out of the house."[1] On grounds like these, a man can never be without a pretence for dismissing his wife. But on the other hand we have seen that no species of barbarous treatment, not even desertion and sale, ever absolves the woman from her obligations to her lord.[2]

while their female children drove the oxen; but this is the practice through the whole mountainous country, while the men, strolling through the forests with a spear and hatchet, plunder every thing they can master. This abuse of the fair sex is characteristic of a barbarous people."

The Hindus are quite accustomed to beat their wives. Buchanan, Travels in Mysore, &c. i. 247, 249. Women in Karnata carry out the dung to the fields, in baskets on their heads. Ibid. 135, 42. The Abbé Dubois describes the following, as the common, the standard, condition of conjugal life: "the young wife, beaten by her husband, and harassed by her mother-in-law, who treats her as a slave, finding no remedy for ill usage but in flying to her father's house—recalled by fair promises of kinder treatment—the word broken—recourse had to the same remedy—but at last the children which she brings into the world, and other circumstances, compelling her to do her best, by remaining in her husband's house, with the show of being contented with her lot. . . . . The object for which a Hindu marries is not to gain a companion to aid him in enduring the evils of life, but a slave to bear children, and be subservient to his rule." Description, &c. of the People of India, p. 145.

[1] Halhed's Gentoo code, ch. xx.

[2] See above, p. 386. Even after the death of her husband, if she did not sacrifice herself to his manes, she was held inviolably bound to his memory; and, besides other penances and mortifications of the severest kind, was expressly forbidden to accept of a second husband. Institutes of Menu, ch. v. 157, 158, 162, 163. The same mark of bondage and inferiority was imposed on the Athenian women during the barbarous times of Greece. Goguet, Origin of Laws, ii. 59. Mr. Richardson, who is one of the most nervous in assertion, and the most feeble in proof, of all oriental enthusiasts, maintains that the women enjoyed high con-

BOOK II. CHAP. 7.

That polygamy was an established custom of the Hindus, we learn from various documents, and among others from the following story, which at the same time conveys no evidence of their domestic gentleness:—"In the city of Devee-kotta, there was a Brahman, whose name was Deva-Sarma. One lucky evening he found a curious dish, which he took with him into a potter's warehouse full of earthen-ware, and throwing himself upon a bed which happened to be there, it being night, he began to express his thoughts upon the occasion in this manner:—If I dispose of this dish, I shall get ten kapardakas (cowries) for it; and with that sum I may purchase many pots and pans, the sale of which will increase my capital so much that I shall be able to lay in a large stock of cloth and the like; which having disposed of at a great advance, I shall have accumulated a fortune of a lack of money. With this I will marry four wives; and of these I will amuse myself with her who

sideration among the Arabians and Persians, nay among the very Tartars; so generally was civilization diffused in Asia. In proof, he tells us that the Arabian women "had a right by the laws to the enjoyment of independent property, by inheritance, by gift, by marriage settlement, or by any other mode of acquisition." The evidence he adduces of these rights is three Arabian words; which signify *a marriage portion, paraphernalia in the disposal of the wife, a marriage settlement.* (See Richardson's Dissertations on the Languages, Literature, and Manners of Eastern nations, pp. 198, 331, 479.) But surely a language may possess three words, of the signification which he assigns, and yet the women of the people who use it be in a state of melancholy degradation. In the times of Homer, though a wife was actually purchased from her father, still the father gave with her a dower. Iliad. lib. ix. ver. 147. 148. If the Tartars carry their women with them in their wars, and even consult them, "the north American tribes," says Mr. Millar, "are often accustomed to admit their women into their public councils, and even to allow them the privilege of being first called to give their opinion upon every subject of deliberation. . . . Yet," as he adds immediately after, "there is no country in the world where the female sex are in general more neglected and despised." See Distinction of Ranks, ch. i. sect. 2. From insulated expressions, or facts, no general conclusion can safely be drawn.

may prove the handsomest. This will create jealousy; so when the rival wives shall be quarrelling, then will I, overwhelmed with anger, hurl my stick at them thus! Saying which he flung his walking-stick out of his hand with such force, that he not only broke his curious dish, but destroyed many of the pots and pans in the shop."[1]

The Hindus were, notwithstanding, so far advanced in civilization, except in the mountainous and most barbarous tracts of the country, as to have improved in some degree upon the manners of savage tribes. They have some general precepts, recommending indulgence and humanity in favour of the weaker sex. "Married women," says the law of Menu, "must be honoured and adorned by their fathers and brethren, by their husbands, and by the brethren of their husbands, if they seek abundant prosperity. Where female relations are made miserable, the family of him, who makes them so, very soon wholly perishes."[2] When particulars indeed are explained, the indulgences recommended are not very extensive. It is added, "Let those women, therefore, be continually supplied with ornaments, apparel, and food, at festivals, and at jubilees, by men desirous of wealth."[3] When it is commanded by law, as an extraordinary extension of liberality, to give them ornaments, and even apparel and food, at festivals and jubilees; this is rather a proof of habitual degradation than of general respect and tenderness. The idea, however, of purchasing a wife, as a slave, from her relations, had become odious; and though it is stated as one of the eight species of nuptial contract, it is classed among

1 Wilkins' Hetopadesa, p. 248.

2 Institutes of Menu, ch. iii. 55, 57.

3 Ib. 59.

BOOK II. CHAP. 7.

the dishonourable species, and forbidden.[1] As the necessity of such a law indicates a state of society but one remove from that in which the unhappy bride is purchased and sold; so the customary, and original purchasing gift, the bull and the cow, still remained; but it had acquired a religious character, and was at last commanded to pass by another name. "Some say," observes the law of Menu, "that the bull and cow given in the nuptial ceremony of the Rishis, are a bribe to the father; but this is untrue: a bribe indeed, whether large or small, is an actual sale of the daughter."[2] There are texts, however, which directly recognize the transaction as a purchase: "He who takes to wife," it is said, "a damsel of full age, shall not give a nuptial present to her father; since the father lost his dominion over her, by detaining her at a time when she might have been a parent."[3] The obligation of the marriage contract is stated in the Institutes of Menu, under the head of purchase and sale; and it is expressly said, "If, after one damsel has been shown, another be offered to the bridegroom, who had purchased leave to marry her from her next kinsman, he may become the husband of both for the same price: *this law Menu ordained*."[4] The same

[1] "Let no father who knows the law receive a gratuity, however small, for giving his daughter in marriage; since the man who through avarice takes a gratuity for that purpose, is a seller of his offspring." Institutes of Menu, ch. iii. 51.

[2] Ibid. 53.

[3] Ibid. ch. ix. 93.

[4] Ibid. viii. 204. Our travellers find direct and avowed purchase still in practice in many parts of India. See Buchanan's Journey through Mysore, &c. i. 247, 249. "To marry, or to buy a wife, are synonymous terms in this country. Almost every parent makes his daughter an article of traffic. This practice of purchasing the young women whom they are to marry, is the inexhaustible source of disputes and litigation, particularly amongst the poorer people. These, after the marriage is solemnized, not finding it convenient to pay the stipulated

undoubtedly is the purport of the following sacred text: "The recitation of holy texts, and the sacrifice ordained by the lord of creatures, are used in marriages for the sake of procuring good fortune to brides; but the first gift by the husband is the primary cause of marital dominion."[1] It is to be observed, besides, that the women have no choice in their own destiny; but are absolutely at the disposal of their fathers, till three years after the nuptial age. If, until that period, the father have neglected what is reckoned one of his most sacred duties, to place his daughter in a situation to become a parent, he forfeits, through his sin, the dominion over her, and she may choose a husband for herself.[2]

It has been doubted whether immuring the women was an original part of Hindu manners, or adopted in consequence of the intercourse and dominion of the Mahomedans. But they have been found in a state of seclusion and confinement beyond the range of Mahomedan influence.[3] The practice is fully re-

sum, the father-in-law commences an action," &c. Description, &c. of the Hindus, by the Abbé Dubois, p. 137. "Apud plerasque tamen gentes dotem maritus uxori, non uxor marito offerebat. Ista sane consuetudo viguit inter Germanos, teste Tacito (*de Mor. Germ.* cap. 18)—Assyrios, teste Æliano, (*Hist. Var.* iv. 1)—Babylonios, teste Herodot. (i. 196)—et Armenios, ceu patet ex *Nou.* xxi. Heineccii Antiquit. Roman. lib. ii. tit. viii. sect. 2.

[1] Institutes of Menu, ch. v. 152. The commentator Culluca, after the words *first gift*, by his usual plan, of trying to graft the ideas of a recent period, improved a little by external intercourse, upon the original text, has foisted in the words, *or troth plighted*, as if that was a gift, or, as if, had that been meant, the legislator would not have rather said *troth plighted*, than *first gift*. See what I have observed on the interpolating practices of Culluca, Note A. at the end of the volume, p. 429.

[2] Ibid. ch. ix. 88, 90, 93.

[3] Mr. Forster declares himself to have been at one time of opinion, that the Hindoos had secluded their women from the public view that they might not be exposed to the intemperance of the Mahometan conquerors; but after perceiving, says he, the usage adopted among the sequestered mountaineers, and also amongst the various independent Mah-

BOOK II. CHAP. 7.

cognized in the ancient writings. We are told in the Bhagavat, that, on the day of the yug of Judishter, "the women who, buried in harams, were seldom permitted to see the sun, came out, on that day, to view rajah Judishter."[1] The monarch who forms the hero in the drama entitled Sacontala had many wives, and they are represented as residing in the *secret* apartments of the palace.[2] The whole spirit of the Hindu maxims lead to confinement: there are numerous precepts which respect the guarding of women: and the punishment for vitiating those who are not guarded is always less than the punishment in the case of those that are.[3] Among these proofs of confinement are also appearances of freedom. The law of seclusion is made only for the few. Among the jealous Ottomans themselves, the great body of the community must leave their women at large, because an indigent man can neither dispense with the useful services of his wife, nor afford the cost of retaining her in confinement. In the earlier and ruder states of society, when men are in general poor, few can afford the expense of confinement; but among the Hindus, as in general among the nations of Asia, since their emerging from the rudest barbarism, it seems to have been the practice for every man, who possessed sufficient means, to keep his women guarded, in a state of seclusion.

rattah states, I am induced to think that the exclusion of women from society prevailed in India before the period of the Afgan, or Tartar invasions. Foster's Travels, i. 310.

[1] See a translation of part of the Bhagavat by Mr. Halhed, in Maurice's Hist. of Hindostan, ii. 438.

[2] See Sacontala in Sir William Jones's Works, vi. The rajah of Beejanuggur's harem was kept so close, that not even the nearest relations of the women received in it were ever again permitted to see them. Ferishta's Deccan, by Scott, i. 83. Nor is this mentioned as any thing unusual.

[3] Institutes of Menu, ch. viii. 374 to 385.

On the coast of Malabar, where the manners differ considerably from those of the rest of the Hindus, and where the people have not reached a state of society altogether so perfect as that in some other parts of Hindustan, it would appear that the institution of marriage has never been regularly introduced. The peculiar mode in which the intercourse of the sexes is here carried on has not yet been satisfactorily explained to us, and from the differences which appear in the accounts of different authors it probably exhibits considerable variety; but in its general character it is pretty evidently a relict of the period in which there is no law for the association of the sexes, when their intercourse is casual, the father of the offspring is by consequence uncertain, and the children of necessity belong to the mother. The nearest male relations of the female, her father being in this case unknown, are her brothers; who, never having children whom they can recognize as their own, naturally contract an affection for those of their sister whom they support, and with whom they live; by consequence regard them as in some measure their own; and vest them with the property which they leave at their death. In the family of a Nair there is no wife; all the brothers and sisters live under the same roof; their mother, the only known parent, during her life, and after her death the eldest sister, manage the domestic affairs; the sisters cohabit with the men of their choice, subject only to the sacred restriction of a class not inferior to their own; the children are by the brothers regarded as their own, and inherit the property of the family.[1] This is the

[1] Such is the account which Dr. Buchanan received from a number of the most respectable Nairs themselves, whom he assembled for the purpose of inquiring into their manners. See his Journey through Mysore, &c. ii. 411, 412. *It was a practice, the continuance of which was*

BOOK II. CHAP. 7.

exact description of a people among whom the institution of marriage is unknown, and the order into which things will run of their own accord, wherever the intercourse of the sexes is casual. The Nairs, however, are said to have added a kind of refinement to this established custom. They contract a marriage with a particular woman. But this is entirely nominal. The woman never leaves her mother's house; her intercourse with other men is not restricted; her children belong to her brothers; and the arrangement of society is the same as if no such marriage existed. If it really takes place, and the absurdity of the thing may support a suspicion of some mistake in our informants, it must be the effect of imitation, and of the reproaches which this people have sustained from other nations. These circumstances move them to contrive a semblance of a marriage, though not in the least degree to alter the established system of manners, to which it adheres as a useless excrescence. The Nairs are only one of the castes; and there appears to be some diversity in the mode of intercourse between the sexes in the several castes. The fashion among the Nairs is the standard to which they all approach. Our information, however, of these diversities, even if they merited a fuller elucidation, is too imperfect for minute description.[1]

highly convenient for the Brahmens, whose power among the inhabitants of that coast was peculiarly great. Ibid. 425. See also Mr. Thackeray's Report, Fifth Report of the Committee on India Affairs, 1810, p. 802.

[1] The reader will find some observations, but evidently incorrect, taken from an Arabian author, by Mr. Duncan, Asiat. Research. v. 12, 13, 14. Dr. Buchanan too makes some remarks, on the modes of the Brahmens, Journey, ut supra, ii. 425; and mentions certain diversities between the manners of the Nairs themselves in the south, and in the north of Malabar, Ibid. 513. See too Bartolomeo's Travels, book ii. ch. ii. and Anquetil Duperron, Zendavesta, Discours Preliminaire, p. cxcvi. Vestiges of the same order of affairs are very widely diffused.

It is not surprising, that grossness, in ideas and language, respecting the intercourse of the sexes, is a uniform concomitant of the degraded state of the women. Superficial contemplators have, in general, contented themselves with remarking, that it was a diversity of manners; or was the effect of a diversity of climate; and that what in one place was gross bore a different interpretation in another. Inquiry discovers, that grossness in this respect is a regular

Cecrops first instituted marriage among the Greeks; Menes among the Egyptians. Among the Lycians, and even among the ancient inhabitants of Attica, children took their names from their mother, and not from their father. The domestic community of women among the Celtic inhabitants of Britain was a diversity, to which something very similar is said to exist among some of the castes on the coast of Malabar. "There is in the province of Madura," says the Abbé Dubois, p. 3, "a cast called the Totiyars, in which, brothers, uncles, and nephews, and other kindred, when married, enjoy the wives in common." Indications of the same state are preserved by the Roman lawyers. In the island of Formosa, where the women contract a marriage for any stipulated period, the husband, during the time of the contract, passes into the family of the wife; a custom, likewise, found among the people called Moxos in Peru. In the Ladrone islands the wife is mistress of the family, turns off the husband when she chooses, and retains the children and property. In the ancient Median empire we are told that the women had several husbands; and the same is the case in some cantons of the Iroquois in North America. See the authorities quoted by Millar, Distinction of Ranks, ch. i. sect. 2. where this part of the subject is illustrated with the usual sagacity of that eminent author. See too Goguet's Origin of Laws, book i. ch. i. art. 1. We are told by Herodotus, that the Massagetæ had their women in common; and a man, when he desired to be private, hung up his quiver at the door of the waggon or travelling tent. Herodot. i. 216. A people in Africa, whom he calls Nasamones, were in like manner without the rite of marriage, and a staff stuck in the ground before the tent was the signal of retirement. Ibid. iv. 172. The reader will probably not be surprised to hear, that the tradition of the casual intercourse of the sexes was preserved among the Indians of Peru. "In short," (says Garcilasso de la Vega, Royal Commentaries, book i. ch. vii.) "they were altogether savage," (meaning the inhabitants in their ancient state) "making use of their women as they accidentally met, understanding no property or single enjoyment of them."—A woman, not married to an individual, but common to all the brothers of a family, is described as the custom of Tibet. See Turner's Embassy.

ingredient in the manners of a rude age; and that society, as it refines, deposits this, among its other impurities. The ancient inhabitants of our own country were as indelicate as those of the hottest regions of Asia.[1] All European witnesses have been struck with the indelicacy of the Hindus. The gross emblems and practices of their religion are already known.[2] To the indecent passages in the books of law, and the practices which they describe, exceedingly numerous, and exceedingly gross, we can here only allude.[3] Both the writings and conversation of the Hindus abound with passages which are shocking to European ears. Even in the popular and moral work, entitled Hetopadesa, there are parts which Mr. Wilkins could not translate; and he thus expresses himself on this characteristic of society among the Hindus: "The translator has carefully refined a great many indelicate expressions, which a Hindu lady, from grosser habits, might hear without a blush; and even omitted whole passages when that could not be effected but by a total change of the author's meaning."[4] Another Oriental scholar, as

[1] Dr. Henry, in his chapter on the manners of the Anglo-Saxons, says, "It would be easy to produce many examples of rudeness and indelicacy, that were established by law, and practised, even in courts of justice, (if they were not unbecoming the purity which history ought to preserve) which would hardly be believed in the present age." Henry's Hist. of Great Britain, iv. 344. He then quotes the following specimen in a note: Si mulier stuprata lege cum viro agere velit, et si vir factum pernegaverit, mulier, membro virili sinistrâ prehenso, et dextrâ reliquiis sanctorum impositâ, juret super illas, quod is, per vim, se isto membro vitiaverit. Leges Wallicæ, p. 85.

[2] Naked fakeers travel in pilgrimage about the country, and swarm around the principal temples. It is customary for the women to kiss, and as it were to adore, their secret, or rather, public parts.

[3] See the whole Section in Halhed's Gentoo Code, De digito in pudendum muliebre inserendo, or the various passages de concubitu virili, vel etiam concubitu bestiali.

[4] Wilkins' Hetopadesa, note 32.

well as eye-witness of the manners he describes, affords us a passage which at once pourtrays this part of the Hindu character, and traces one of those remarkable resemblances, which run through the principal nations of Asia. "The Persian woman," says Mr. Scott Waring, "like the Indian, are totally devoid of delicacy; their language is often gross and disgusting, nor do they feel more hesitation in expressing themselves before men, then they would before their female associates. Their terms of abuse or reproach are indelicate to the utmost degree. I will not disgust the reader by noticing any of them; but I may safely aver that it is not possible for language to express, or the imagination to conceive, more indecent or grosser images."[1]

Much attention has been attracted to the gentleness of manners, in this people. They possess a feminine softness both in their persons and in their address. As the inhabitants of Europe were rough and impetuous, in their rude and early state, and grew mild only as they grew civilized, the gentleness of Hindu manners has usually impressed their European visitors, with a high conception of their progress in civilization. It is, perhaps, a ground of presumption; but fallacious if taken as a proof. One of the circumstances which distinguish the state of

[1] A Tour to Sheeraz, by Edward Scott Waring, Esq. p. 62. He further says; "The same may be observed of the inhabitants of India, nor will the plea, that the false delicacy of refinement, which disqualifies us from judging of the language of nature, exempt them from censure. If the nakedness of a prostitute be more disgusting than that of an Indian, it must be allowed that their language is infinitely chaster and more refined. There are certain images which must always create disgust and aversion; and although they are familiar in the East, it is by no means evident that they are the images of nature. There may be a refinement on grossness of vice as well as an excess of delicacy, and it does not follow that the one is natural, and the other unnatural." Ibid. See the Missionaries, Ward and Dubois, passim.

BOOK II. CHAP. 7.

commencing civilization is, that it is compatible with great violence, as well as great gentleness of manners. Nothing is more common than examples of both. Mildness of address is not always separated even from the rudest condition of human life, as the Otaheitans, and some other of the South-Sea islanders, abundantly testify.[1] "The savages of North America are affectionate in their carriage, and in their conversations pay a mutual attention and regard, says Charlevoix, more tender and more engaging, than what we profess in the ceremonial of polished societies."[2]

[1] Dr. Forster, in a note to Father Paulini's (Bartolomeo) Travels, remarks a great similarity, in many respects, between the manners of the Hindus and those of the Otaheitans.

[2] Ferguson's Essay on Civil Society, part ii. sect. 2. "The Russians" (says Mr. Forster, Travels, ii. 296) "observe to their superiors an extreme submission, and their deportment is blended with a suavity of address and language, which is not warranted by their appearance, or the opinions generally formed of them." The common people in Russia, says Lord Macartney (Account of Russia by Lord Macartney, in Barrow's Life of that Lord, ii. 30) "are handsome in their persons, easy and unaffected in their behaviour; and though free and manly in their carriage, are obedient and submissive to their superiors, and of a civility and politeness to their equals, which is scarcely to be paralleled." The following passage is from a work entitled "Travels into the Crimea, [and] a History of the Embassy from St. Petersburgh to Constantinople in 1793, by a Secretary of the Russian Embassy." "In the course of my rambles I have had frequent occasions of experiencing the politeness of the Turks, which proves to me that this nation is extremely well-disposed and inclined to oblige, and that the climate alone is the cause of the idleness and indifference with which they are reproached. The Turk, when offended, or provoked to jealousy, becomes terrible, and nothing but the blood of his adversary can calm the passion which transports him. During my excursions in the environs of Constantinople I was frequently a witness of the obliging and hospitable propensities of this people. The first Turk I applied to when I wanted directions in regard to the road I was to take, always offered himself as a guide, and with the same readiness presented to me a part of his food or refreshment." "The more the Turks are known, the more they are beloved for their cordiality, their frankness, and their excessive kindness to strangers. I am not afraid to assert, that, in many respects, they may serve as models to my countrymen." Pp. 201, 237.

The causes which seem to account for these effects are partly physical, and partly moral. Where the commodities of life, by a happy union of climate and soil, are abundant, gentleness of manners, as appears by the traditions respecting the golden or pastoral age, is by no means unnatural to men in the earliest period of improvement: The savage, involved in a continual struggle with want, who sees himself and his children every day exposed to perish with hunger, is, by a sort of necessity, rapacious, harsh, unfeeling and cruel. The species of polity under which the national character is formed is perhaps to a still greater degree the cause of the diversity which we now contemplate. Where the mind is free, and may vent its passions with little fear, the nation, while ignorant and rude, is also fierce and impetuous: Where slavery prevails, and any departure from the most perfect obsequiousness is followed with the most direful consequences, an insinuating and fawning behaviour is the interest, and thence becomes the habit, of the people.

With the same causes are connected other leading features in the character of the Hindus. They are remarkably prone to flattery; the most prevailing mode of address from the weak to the strong, while men are still ignorant and unreflecting.[1] The

[1] It would be easy to produce many testimonies to the propensity of the natives to adulation. Bernier, who speaks of it in the strongest terms, gives us the following amusing instance: "Un Pendet Brahmen que j'avois fait mettre au service de mon Agah, se voulut meler, en entrant, de faire son panegyrique; et, apres l'avoir comparé aux plus grands conquerans qui furent jamais, et lui avoir dit cent grossieres et impertinentes flatteries, concluoit enfin serieusement par celle-cy: Lorsque vous mettez le pied dans l'estrier, Seigneur, et que vous marchez à cheval avec votre cavalerie, la terre tremble sous vos pas, les huit elephans qui la supportent sur leurs tetes ne pouvant soutenir ce grand effort. Je ne pus me tenir de rire la dessus, et je tachois de dire serieusement à mon Agah, qui ne pouvoit aussi s'en tenir, qu'il seroit donc fort a-propos qu'il ne montat a cheval que fort rarement pour empescher les tremblemens

BOOK II. CHAP. 7.

Hindus are full of dissimulation and falsehood, the universal concomitants of oppression.[1] The vices of falsehood, indeed, they carry to a height almost unexampled among the other races of men. Judicial perjury is more than common; it is almost universal. "Perjury," said Sir William Jones, to the Grand Jury at Calcutta, "seems to be committed by the meanest, and encouraged by some of the better sort among the Hindus and Mussulmans, with as little remorse, as if it were a proof of ingenuity, or even a merit."[2] —"I have many reasons to believe, and none to doubt, that affidavits of every imaginable fact may as easily be procured in the streets and markets of Calcutta, especially from the natives, as any other article of traffic."[3] Speaking of the forms of an oath among the Hindus, he says, "But such is the corrupt state even of their erroneous religion, that if the most binding form on the consciences of men could be known and established, there would be few consciences to be bound by it."[4]

de terre qui causent souvent de si grands malheurs; Aussi est-ce pour cela meme, me repondit-il sans hesiter, que je m'en fais ordinairement porter en paleky." Bernier, Suite des Memoires sur l'Empire de Grand Mogol, i. 12.

[1] For a strong testimony to the extent to which dissimulation pervades the Hindu character, see Orme, on the Government and People of Hindustan, p. 428. "L'Indien qui vit sous ce gouvernment en suit les impressions. Obligé de ramper il devient fourbe." Anquetil Duperron, Voy. aux Indes Orien. Zendav. i. ccclxii.

[2] Sir Wm. Jones's Charge to the Grand Jury at Calcutta, June 10, 1787.

[3] Id. June 10, 1785.

[4] Id. 1787.—"La facilité que le peuple de l'Orient ont à mentir," is given by P. Paulini, as the cause of the trial by ordeal, so common in Hindustan. Voyage aux Indes Orient. par le P. Paulini, (the French edition of Bartolomeo) ii. 103. Mr. Orme says, "The Gentoos are infamous for the want of generosity and gratitude in all the commerces of friendship; they are a tricking, deceitful people, in all their dealings." (On the Government and People of Hindustan, p. 434.)

Dr. Buchanan ridicules the expression of Sir William Jones, when he

I have not enumerated the religion of the Hindus as one among the causes of that gentleness, which has been remarked in their deportment. This religion has produced a practice, which has strongly engaged the curiosity of Europeans; a superstitious care of the life of the inferior animals. A Hindu lives in perpetual terror of killing even an insect; and hardly any crime can equal that of being unintentionally the cause of death to any animal of the more sacred species. This feeble circumstance, however, is counteracted by so many gloomy and malignant principles, that their religion, instead of humanizing the character, must have had no inconsiderable effect in fostering that disposition to revenge, that insensibility to the sufferings of others, and often that active cruelty, which lurks under the smiling exterior of the Hindu. "Although the killing of an animal of the ox kind," says Buchanan, "is by all Hindus considered as a kind of murder, I know no creature whose sufferings equal those of the labouring cattle of Hindustan."[1] No other race of men are perhaps so little friendly, and beneficent to one an other as the Hindus. "Dysenteries," says Dr. Tenant, speaking of the salt manufacturers, "are at one season, peculiarly fatal. The unhappy victims of this disorder are avoided as infec-

talks of the *simple* Pandits; a race whose chief characteristic is deceit and cunning. (As. Res. vi. 185.)

"'What is a Brahman,' I was one day asked, in a jocular way, by one of that cast with whom I was intimately acquainted: 'He is an ant's nest of lies and impostures.' It is not possible to describe them better in so few words. All Hindus are expert in disguising the truth; but there is nothing in which the cast of Brahmans so much surpasses them all as in the art of lying. It has taken so deep a root among them, that so far from blushing when detected in it, many of them make it their boast. Dubois, p. 177. On their propensity to adulation, see the same author, p. 178. On the fraud and perjury of the Hindus, consult Ward, ut supra, Introd. lix. and xciii.

[1] Buchanan's Journey through Mysore, &c. i. 167.

BOOK II. CHAP. 7.

tious by their companions, and suffered to pine without receiving either that aid or consolation, which compassion usually pays to the wretched."[1] "The Bengalese, says another traveller, "will seldom assist each other, unless they happen to be friends or relations, and then the service that they render only consists in carrying the sufferer to the water of the Ganges, to let him die there, or be carried away by the stream."[2] Le Couteur remarks, that "men accustomed from their infancy to abstain from every kind of cruelty towards brutes, ought naturally to be humane and benevolent towards their own species: and this would infallibly be the case, if the same religion had not hardened the hearts of the superior casts; for they hold those that are born their inferiors, as beings below even the most worthless animals: they take away the life of a man with less scruple than we kill a fowl. To strike a cow would

[1] Indian Recreations, ii. 329.

[2] Stavorinus' Voyage, 1768 to 1771; Wilcock's Translation, London, 1798, p. 153. Dr. Tennant explains more fully, that only species of assistance which, according to Stavorinus, a Hindu receives even from his relations. "When a sick person's life is despaired of, he is carried by his relations to the bank of the river; and there, exposed to the storm, or the intense heat of the sun, he is permitted, or rather forced, to resign his breath. His mouth, nose, and ears, are closely stopped with the mud of the river; large vessels of water are kept pouring upon him; and it is amidst the agonies of disease, and the convulsive struggles of suffocation, that the miserable Hindoo bids adieu to his relations, and to his present existence." (Indian Recreations, i. 108.) Describing the apathy with which, during a famine, the Hindus beheld one another perishing of hunger, Stavorinus says, "In the town of Chinsurah itself, a poor sick Bengalese, who had laid himself down in the street, without any assistance being offered to him by any body, was attacked in the night by the jackals, and though he had strength enough to cry out for help, no one would leave his own abode to deliver the poor wretch, who was found in the morning half-devoured and dead." Stavorinus, ut supra, p. 153. It is highly worthy of attention, that the same inhumanity, hard-heartedness, and the greatest insensibility to the feelings of others, is described, as the character of the Chinese. (See Barrow's China, p. 164.)

be sacrilege; but a Bramin may put a man to death when he lists."[1]

It commonly happens that in a rude period of society, the virtue of hospitality, generously and cordially displayed, helps to cast into the shade the odious passions which adhere to man in his uncultivated state. The unhappy circumstances, religious and political, of the Hindu, have tended to eradicate even this, the virtue of a rude age, from his breast. After noticing, in various parts of his journey, the striking instances which he witnessed of the want of hospitality, Dr. Buchanan says in one passage, "I mention these difficulties, which are very frequently met with by travellers in all parts of India where Europeans have not long resided, to show the inhospitable nature of its inhabitants." For one of his sepoys, who was seized with an acute disease, and left in agony by the side of the road, he could not, except by force, in a large village, obtain a cot, though he was assured there was one in every house.[2]

[1] Le Couteur's Letters from India, London, 1790, p. 320. When the exactions of government press hard, Dr. Tennant says, "the ryuts, (husbandmen) driven to despair, are forced to take up robbery for a subsistence; and when once accustomed to this wandering and irregular life, it becomes ever after impossible to reclaim them to industry, or to any sense of moral duty. We had yesterday a melancholy example of the daring profligacy of which they are capable: An officer who rode out only a mile beyond the piquets, was attacked by a party of five horsemen; in the midst of a friendly conversation, one stabbed him in the breast with a spear, which brought him to the ground; then the others robbed him of his watch, his horse, and every article of his cloathing. In this naked state he arrived at the piquet, covered with blood; and had he not been able to walk thus far, he must have fared worse than the man who, 'between Jerusalem and Jericho fell among thieves,' since here there is no one 'good Samaritan' to pity the unfortunate." (Indian Recreations, ii. 375.)

[2] Buchanan, ut supra, i. 53; ii. 201, 202; iii. 300. Destitute persons, or persons in a famine, become the property of those who feed them. (Tennant's Ind. Recr. i. 131.)

The ancient literature of the Hindus affords many proofs that no inconsiderable degree of ferocity has at all times been mingled with the other ingredients of their character. The Yadavas, a sacred race, the kindred of Crishna, in a drunken fray, took arms and butchered one another, to the utter extinction of the race.[1] One of the most remarkable stories in the celebrated book, called *Hetopadesa,* is that of a man who cut off his wife's nose, because she would not speak to him.[2] As the performance of that great religious ceremony, called a Jug, is sufficient to extort from the divinity whatever boon the true performer demands, the following law makes provision against the most cool, intense, and persevering malignity of which human nature appears to be susceptible. "If a man performs a jugg to procure the death of any innocent person, the magistrate shall fine him 200 puns of cowries."[3] If the gentleness, too, of the punishment, about ten shillings,[4] be a sign, the indignation, which so atrocious a purpose excites, is far from remarkable. That murder, by the most odious means, by poison, is looked upon in the same venial light, the following law bears equal testimony; "If a man, to procure the death of any innocent person, by any contrivance, causes him to drink a potion, or otherwise meditates his death, the magistrate shall fine him 200 puns of cowries."[5] The cool reflection

[1] See a celebrated passage of the Mahabarat, translated by Mr. Halhed, in Maurice's Indian Hist. ii. 468.

[2] Wilkins' Hetopadesa, p. 131.

[3] Gentoo Code, ch. xxi. sect. 10.

[4] Grant on the Hindus, p. 54. Printed by order of the House of Commons, 1812.

[5] Gentoo Code, ch. xxi. sect. 10. A very intelligent servant of the East India Company, speaking of the Hindus in a situation where they had hardly ever been exposed to the influence of strangers, Sumbhulpoor, says, "The men are low in stature, but well-made, lazy, treacherous, and cruel. But to these ill qualities of the tiger, the Almighty has

which attends the villainy of the Hindu, has often surprised the European. Mr. Holwell informs us, that, when he sat as a judge at Calcutta, he had often heard the most atrocious murders avowed and defended by the criminals, on the ground of its being now the Cali age, when men are destined to be wicked.[1]

Notwithstanding the degree to which the furious passions enter into the character of the Hindu, all witnesses agree in representing him as a timid being. With more apparent capacity of supporting pain than any other race of men; and, on many occasions, a superiority to the fear of death, which cannot be surpassed, this people run from danger with more trepidation and eagerness than has been almost ever witnessed in any other part of the globe.[2]

It is the mixture of this fearfulness, with their antisocial passions, which has given existence to that litigiousness of character which almost all witnesses have ascribed to this ancient race. As often as courage fails them in seeking a more daring gratification to their hatred or revenge, their malignity finds a

also, in his mercy, added the cowardice of that animal; for had they an insensibility of danger, equal to their inclination for mischief, the rest of mankind would unite to hunt them down." (Motte's Journey to Orissa, Asiat. An. Reg. i. 76.) "Pestilence or beasts of prey," says Dr. Buchanan, "are gentle in comparison with Hindu robbers, who, in order to discover concealed property, put to the torture all those who fall into their hands." (Travels through Mysore, &c. iii. 206.)

1 Remarquez que les tems les plus superstitieux ont toujours été ceux des plus horribles crimes. (Voltaire, Diction. Philos. Article Superstition.)

2 La lacheté accompagne ordinairement la mollesse. Aussi l'Indien est-il foible et timide. (Anquetil Duperron, Voyage aux Indes Orien. Zendav. p. cxvii.) This timidity admits of degrees. It is in its greatest perfection in Bengal. In the upper provinces, both the corporeal and the mental frame are more hardy. Those of the race who are habituated to the dangers of war acquire, of course, more or less of insensibility to them. Still the feature is not only real, but prominent.

BOOK II. CHAP. 7.

vent in the channel of litigation. "That pusillanimity and sensibility of spirit," says Mr. Orme, "which renders the Gentoos incapable of supporting the contentions of danger, disposes them as much to prosecute litigious contests. No people are of more inveterate and steady resentments in civil disputes. The only instance in which they seem to have a contempt for money, is their profusion of it in procuring the redress and revenge of injuries at the bar of justice. Although they can, with great resignation, see themselves plundered to the utmost by their superiors, they become mad with impatience, when they think themselves defrauded of any part of their property by their equals. Nothing can be more adapted to the feminine spirit of a Gentoo, than the animosities of a lawsuit."[1]

A modification of the same passions gives rise to another, and seemingly a strong ingredient in the Hindu character, a propensity to the war of contentious tongues. The following picture, if not finely, is at least clearly drawn. "The timidity of the Hindu may, in general, prevent his fighting, boxing, or shedding of blood; but it by no means restrains him from scolding and upbraiding his neighbours. In

[1] Orme, on the Government and People of Indostan, p. 443.—In the committee of the House of Commons, 1781, on the petition of John Touchet, &c., Charles W. Boughton Rouse, Esq. testified that "there cannot be a race of men upon earth more litigious and clamorous than the inhabitants of Dacca." Mr. Park takes notice of the passion of the negroes in Africa, for law-suits, and adds: "If I may judge from their harangues, which I frequently attended, I believe that in the forensic qualifications of procrastination and cavil, and the arts of confounding and perplexing a cause, they are not always surpassed by the ablest pleaders in Europe." Park's Travels in Africa, p. 20. Dr. Robertson was sadly mistaken, when he considered the litigious subtlety of the Hindus as a sign of high civilization. See Robertson's Historic. Disq. concerning India, p. 217. Travellers have remarked that no where is this subtlety carried higher than among the wildest of the Irish.

this respect they are the most litigious and quarrelsome of all men. Have two persons a misunderstanding? Let them meet in the street; and they will upbraid each other for an hour together, with every foul epithet of abuse which their imagination can suggest, or their language supply. A few natives engaged in one of these bickerings display a furious gesticulation; a volubility of words, and coarseness of expression, which leave the eloquence of Billingsgate far behind."[1]

The physical temperament of the Hindus, while the effect of some of the circumstances which have operated to the formation of their minds, has reflected a strong influence on their character. Their make is slender and delicate. Their shapes are in general fine. The female form, in particular, frequently attains in India its most exquisite proportions; and "their skins," says Mr. Orme, speaking of the Hindu women, "are of a polish and softness beyond that of all

[1] Tennant's Indian Recreations, i. 123. The following character drawn by a missionary, a man who knew them well, unites most of the particulars which I have hitherto described of the character of this remarkable people. Les Indous sont agiles, adroits, d'un caractere doux, d'un esprit penetrant; ils aiment les phrases et les locutions pittoresques; ils parlent avec elegance, font de longs discours, se decident, dans leurs affaires, avec une lenteur extrême, examinent attentivement, et conçoivent avec facilité; ils sont modestes dans leurs discourse, inconstans dans leurs paroles, faciles a promettre et difficiles à tenir leurs promesses, importuns dans leurs demandes, et ingrats après qu'ils les ont obtenu; humble et soumis quand ils craignent, orgueilleux et hautains quand ils sont les plus forts; paisibles et dissimulés quand ils ne peuvent se venger, implacables et vindicatifs des que l'occasion s'en presente. J'ai vu beaucoup de familles se ruiner par des procés devant les tribunaux, seulement par esprit de vengeance." (Voyage aux Indes Orientales, par le P. Paulini, i. 293.) "Their utmost feuds," says Fryer, "are determined by the dint of the tongue; to scold lustily, and to pull one another's puckeries or turbats off, being proverbially termed a banyan fight. Nevertheless they are implacable till a secret and sure revenge fall upon their adversary, either by maliciously plotting against their life, by clancular dealings; or estate, by unlawful and unjust extortions." (Fryer's Travels, let. iii. ch. iii.)

BOOK II. CHAP. 7.

their rivals on the globe." The muscular strength, however, of the Hindus, is small; even less, according to the same accurate observer, than the appearance of their bodies, though expressive of weakness, would lead the spectator to infer. Their stature is in general considerably below the European standard; though such inferiority is more remarkable in the south, and diminishes as you advance toward the north.[1]

The extreme simplicity and lightness of the aliments used by the Hindu, and the smallness of his consumption, must, undoubtedly, have been among the causes of the lightness and feebleness observable in his frame. His food consists almost wholly of rice; and his drink is nothing but water: while his demands are satisfied with a pittance which appears extreme to the people of almost every other part of the world. The prohibition, by the Hindu religion, of the flesh of animals for food, has been sufficiently remarked. It is not such as to have produced by any means a total abstinence, but the quantity consumed is, no doubt, small. The great luxury of the Hindu is butter, prepared in a manner peculiar to himself, and called by him, ghee.[2]

[1] Orme, on the Effeminacy of the Inhabitants of Indostan, p. 461 to 465. Stavorinus' Voyages, p. 407. There is however considerable variety, as in the stature, so in the strength of the Hindus; and the one, as might be expected, follows the other. The following is a striking and important fact: "In Indostan, the common people of all sorts are a diminutive race, in comparison with those of higher casts and better fortunes; and yield still more to them in all the advantages of physiognomy. There is not a handsomer race in the universe, than the Banians of Guzerat: the Haramcores whose business is to remove all kinds of filth; and the buryers aud burners of dead bodies are as remarkably ugly." Orme, ut supra, p. 463. There cannot be a more convincing proof, that a state of extreme oppression, even of stunted subsistence, has at all times been the wretched lot of the labouring classes in Hindustan.

[2] Orme, on the Government and People of Indostan, p. 470. Forster's

But though the body of the Hindu is feeble, it is agile, in an extraordinary degree. Not only in those surprising contortions and feats, which constitute the art of the tumbler, do they excel almost all the nations in the world; but even in running and marching they equal, if not surpass, people of the most robust constitutions. "Their messengers will go fifty miles a day, for twenty or thirty days without intermission." Their infantry, if totally unincumbered with burthens, which they could by no means support, will march faster, and with less weariness, than European.[1]

The delicacy of their texture is accompanied with great acuteness and sensibility in all the organs of sense. This not only gives them great advantages in some of the finest of the manual arts, as weaving, for example, the pliant fingers and exquisite touch of the Hindu being so peculiarly adapted to the handling of the finest threads: but it communicates a remarkable susceptibility to the mental organs. The Hindu is a sort of a sensitive plant. His imagination and passions are easily inflamed; and he has a sharpness and quickness of intellect which seems strongly connected with the sensibility of his outward frame.

Another remarkable circumstance in the character of the Hindus; in part, too, no doubt, the effect of corporeal weakness, though an effect in some sort opposite

Travels, i. 40. The demand of the American tribes for food was very like that of the Hindus, in point of quantity. Roberson's Hist. of America, ii. 63. The contrivances of the American Indians for food were far more ingenious, and productive of more variety, than those of the Hindus. Ibid. p. 118. It would appear from Sacontala, that anciently much scruple was not used in eating flesh. Madhavya, complaining of the hardships he sustained in the hunting party of the king, says, "Are we hungry? We must greedily devour lean venison, and that commonly roasted to a stick."

[1] Orme, on the Effeminacy of the Inhab. of Indostan, ubi supra.

BOOK II. CHAP. 7.

to that excitability which we have immediately remarked, is the inertness of disposition, with which all men have been so forcibly struck in observing the conduct of this peculiar race. The love of repose reigns in India with more powerful sway, than in any other region probably of the globe. "It is more happy to be seated than to walk; it is more happy to sleep than to be awake; but the happiest of all is death." Such is one of the favourite sayings, most frequently in the mouths of this listless tribe, and most descriptive of their habitual propensities. Phlegmatic indolence pervades the nation. Few pains, to the mind of a Hindu, are equal to that of bodily exertion; the pleasure must be intense which he prefers to that of its total cessation.[1]

This listless apathy and corporeal weakness of the natives of Hindustan, have been ascribed to the climate under which they live. But other nations, subject to the influence of as warm a sun, are neither indolent nor weak; the Malays for example, the Arabians, the Chinese.[2] The savage is listless and indo-

[1] Tennant's Indian Recreations, i. 15, 55, 102, 215. Forster's Travels, i. 193. "L'Indien est naturellement doux, mais d'une douceur de nonchalance et de paresse." *Anq. Duperron, Zendavesta, Disc. Prelim.* p. cxvii.

[2] The Birmans, robust and active, present a striking contrast with the feeble indolence of the Hindus. Vide Syme's Embassy to Ava. "Having witnessed," says Mr. Forster, "the robust activity of the people of this country (Northern Persia) and Afghanistan, I am induced to think, that the human body may sustain the most laborious services, without the aid of animal food. The Afghan, whose sole aliment is bread, curdled milk and water, inhabiting a climate which often produces in one day, extreme heat and cold, shall undergo as much fatigue, and exert as much strength, as the porter of London, who copiously feeds on flesh-meat, and ale; nor is he subject to the like acute and obstinate disorders. It is a well known fact, that the Arabs of the shore of the Red Sea, who live, with little exception, on dates and lemons, carry burthens of such an extraordinary weight, that its specific mention to an European ear would seem romance." Forster's Travels, ii. 142, 143.

lent under every clime. In general, this disposition must arise from the absence of the motives to work; because the pain of moderate labour is so very gentle, that even feeble pleasures suffice to overcome it; and the pleasures which spring from the fruits of labour are so many and great, that the prospect of them, where allowed to operate, can seldom fail to produce the exertions which they require. There is a state of barbarity and rudeness which implies, perhaps, a weakness of mind too great to be capable of perceiving, with a clearness sufficient to operate upon the will, the benefits of labour. This, however, is a state beyond which the Hindus have long since passed; and there is but one cause, to which, among the Hindus, the absence of the motives for labour can be ascribed; their subjection to a wretched government, under which the fruits of labour were never secure.[1]

[1] There is a curious passage, quoted by Volney, (Travels in Syria, ch. xl.) from Hippocrates, in his Treatise de Aere, Locis, et Aquis. "As to the effeminacy and indolence of the Asiatics, says the ancient, if they are less warlike and more gentle in their manners than the Europeans, no doubt the nature of their climate, more temperate than ours, contributes greatly to this difference. But we must not forget their governments which are all despotic, and subject every thing to the arbitrary will of their kings. Men who are not permitted the enjoyment of their natural rights, but whose passions are perpetually under the guidance of their masters, will never be found courageous in battle. To them the risks and advantages of war are by no means equal. But let them combat in their own cause, and reap the reward of their victory, or feel the shame of their defeat, they will no longer be deficient in courage." Volney remarks that the sluggishness and apathy visible among the Hindus, negroes, &c. is approached, if not equalled, by what is witnessed in Russia, Poland, Hungary, &c. Ibid. "The lower classes of people in India, says Dr. Buchanan, are like children; and except in the more considerable places, where they meet with uncommon encouragement to industry from Europeans, are generally in such a state of apathy, that without the orders of Government, they will hardly do any thing." Buchanan's Journey through Mysore, &c. i. 270. "If we contemplate a savage nation in any part of the globle, a supine indolence and a carelessness of futurity, will be found to constitute their general character." Gibbon, i. 356.

BOOK II. CHAP. 7.

The languid and slothful habits of the Hindu appear to have prescribed even his amusements and diversions. They are almost all of the sedentary and inactive kind. The game of paucheess, which bears a resemblance to chess and draughts, and is played by two natives, reclining on their sides, with a small chequered carpet placed between them, is the favourite amusement of this indolent race. Wonderful is the patience and interest with which, we are told, they watch and plan the evolutions of this languid game.[1] The mind in vacuity droops and pines; even where the body is the most gratified by repose: and in the rude state of society, when interesting objects seldom occur, the passion for play is a general resource. The Hindus, accordingly, appear to have been at all times deeply infected with the vices of gaming. In that celebrated poem, the Mahabarat, Judishter, though celebrated as a model of kingly wisdom, and his four brothers, all eminent men, are represented as losing their fortunes, and their very kingdoms, at dice. The laws, as usual, are ambiguous and contradictory. All gaming is pronounced unlawful; yet, according to the Gentoo Code, parties may game before an agent of the magistrate, to whom in that case a half of the winnings belongs.[2]

A fondness for those surprising feats of bodily agility and dexterity which form the arts of the tumbler and

[1] Tennant's Indian Recreations, i. 367.

[2] Gentoo code, chap. i. sect. 1. "So relaxed are the principles even of the richer natives, that actions have been brought by an opulent Hindu for money advanced solely to support a common gaming-house, in the profits of which he had a considerable share; and the transaction was avowed by him with as much confidence, as if it had been perfectly justifiable by our laws and his own." Charge to the Grand Jury of Calcutta, Dec. 4, 1788. Gaming is remarked as a strong characteristic of the Chinese. See Barrow's Life of Lord Macartney, ii. 415. Travels in China, p. 157. It is a remarkable passion among the Malays. See Marsden's Sumatra.

the juggler, is a feature in the character of the Hindu. It is a passive enjoyment which corresponds with the passiveness of his temper; and it seems in general to be adapted to the taste of all men in a state of society resembling his own. Our Saxon ancestors were much addicted to this species of amusement; and their tumblers and jugglers had arrived at great proficiency.[1] The passion of the Chinese for those diversions is known to be excessive, and the powers of their performers, almost incredible.[2] This was one of the favourite entertainments of the ancient Mexicans; and their surprising dexterity and skill seem hardly to have yielded to that of the Hindus and Chinese. Clavigero concludes a minute and interesting account of the astonishing feats of the Mexican performers, by remarking, that, " the first Spaniards, who were witnesses of these and other exhibitions of the Mexicans, were so much astonished at their agility, that they suspected some supernatural power assisted them, forgetting to make a due allowance for the progress of the human genius when assisted by application and labour."[3]

A taste for buffoonery is very generally a part of the character of a rude people; as appears by the buffoons, who, under the name of fools, were entertained by our Gothic ancestors in the courts of princes and the palaces of the great. Among the Hindus, this source of amusement was an object of so much importance, as to become the subject of legislative enactment. " The magistrate," says the Gentoo code, " shall retain in his service a great number of

[1] Turner's Hist. of the Anglo Saxons, book viii. ch. vii.
[2] See Barrow, and other travellers. Bell's Travels, ii. 30.
[3] Clavigero, Hist. of Mexico, book vii. sect. 46.

BOOK II. CHAP. 7.

buffoons or parasites, jesters, and dancers, and athletics."[1]

Story-telling, which entirely harmonizes with the Hindu tone of mind, is said to be a favourite diversion.[2] The recitations of the bards, with which the people of Europe were formerly so much delighted, afforded an entertainment of the same description. The stories of the Hindus consist of the wildest fictions; and as almost all their written narratives are in verse, their spoken stories, it is probable, like the effusions of the bards, contained occasionally more or less of the measure and elevation of verse.[3] Music and dancing form a part of their entertainments; the latter, however, they enjoy as spectators chiefly, not performers.

Notwithstanding the indolence and inactivity of the Hindus, hunting, which is in general so favourite a sport of man in his uncivilized state, is capable of calling forth their most strenuous exertions. The different classes seem not only to forget their habitual languor and timidity, but their still more inveterate prejudices of caste, and join together in pursuing the tenants of the woods and mountains with an ardour, enterprise and patience, which no other people can surpass.[4]

It is curious that avarice, which seems but little consistent with sloth, or that insecurity with regard

[1] Gentoo Code, p. 113.

[2] Tennant's Indian Recreations, i. 367.

[3] Story-telling is a common amusement among the negroes of Africa. "These stories," says Mr. Park, bear some resemblance to those in the Arabian Nights' Entertainments; but, in general, are of a more ludicrous cast." Park's Travels in Africa, p. 31.

[4] Tennant's Indian Recreations, i. 367, and other travellers. Hunting, which delights other men chiefly in their ignorant and uncivilized state, seems to delight kings in all states.

to property which so bad a government as theirs implies forms a more remarkable ingredient in the national character of the Hindus, than in that of any other people. It is a passion congenial to a weak and timid mind, unwarmed by the social affections. They are almost universally penurious;[1] and where placed in situations in which their insatiable desire of gain can meet with its gratification, it is not easy to surpass their keenness and assiduity in the arts of accumulation.[2] "Slavery," says Mr. Orme, "has sharpened the natural fineness of all the spirits of Asia. From the difficulty of obtaining, and the greater difficulty of preserving, the Gentoos are indefatigable in business, and masters of the most exquisite dissimulation in all affairs of interest. They are the acutest buyers and sellers in the world, and preserve through all their bargains a degree of calmness, which baffles all the arts that can be opposed against it."[3] The ava-

[1] Dr. Buchanan, who bears strong testimony to the prevalence of this disposition among the Hindus, says, the Nairs are a sort of an exception. He ascribes this peculiarity to the peculiar form given among them to the association of the sexes. Journey through Mysore, &c. ii. 411.

[2] The following acute observation of Helvetius goes far to account for it. "*Ce que j'observe, c'est qu'il est des pays* ou le desir d'immenses richesses devient raisonnable. Ce sont ceux ou les taxes sont arbitraires, et par consequent les possessions incertaines, ou les renversemens de fortune sont frequens; ou, comme en Orient, le prince peut impunément s'emparer des proprietés de ses sujets.—Dans ce pays, si l'on desire les tresors de Ambouleasant, c'est que toujours exposé à les perdre, on espere au moins tirer des debris d'une grande fortune de quoi subsister soi et sa famille. Partout ou la loi sans force ne peut proteger le foible contre le puissant, on peut regarder l'opulence comme un moyen de se soustraire aux injustices, aux vexations du fort, au mepris enfin, compagnon de la foiblesse. On desire donc une grande fortune comme une protectrice et un bouclier contre les oppresseurs." De l'Homme, sect. viii. chap. v.

[3] Orme, on the Government and People of Indostan, p. 431.—"L'Indien qui vit sous ce gouvernement en suit les impressions. Obligé de ramper, il devient fourbe. * * * Il se permet l'usure et la fraude dans

ricious disposition of the Hindus is deeply stamped in their maxims of prudence and morality. Thus, they say; "From poverty a man cometh to shame. Alas! the want of riches is the foundation of every misfortune.—It is better to dwell in a forest haunted by tigers and lions, than to live amongst relations after the loss of wealth."[1]

The mode of transacting bargains among the Hindus is sufficiently peculiar to deserve description. By a refinement of the cunning and deceitful temper of a rude people, the business is performed secretly, by tangible signs. The buyer and seller seat themselves opposite to one another, and covering their hands with a cloth, perform all the most subtile artifices of chaffering, without uttering a word, by means of certain touches and signals of the fingers, which they mutually understand.[2]

The simplicity of the houses, dress, and furniture of the Hindus corresponds with that of their diet. "The Indian houses," says Sonnerat, "display

le commerce." Anquet. Duperron, Zendavesta, Disc. Prelim. p. cxvii.—"The chief pleasure of the Gentiles or Banyans is to cheat one another, conceiving therein the highest felicity." Frayer's Travels, let. iii. chap. iii.

[1] Wilkins' *Hetopadesa*, p. 63. The last of these maxims is not less expressive of that want of generosity, which is so strong a feature of the Hindu character. In the ethics, however, of the Hindus, as well as their jurisprudence and theology, contradiction is endless. In the same page with the foregoing is the following maxim; "He who, in opposition to his own happiness, delighteth in the accumulation of riches, carrieth burthens for others, and is the vehicle of trouble." Ibid.

[2] Tennant's Indian Recreations, ii. 232. Lord's Banyan Religion, chap. xii. The same or a similar mode of transacting bargains is followed in Persia. Chardin, Voyage en Perse, iii. 122. "The merchants, besides being frequently very dexterous in the addition and subtraction of large sums by memory, have a singular method of numeration, by putting their hands into each other's sleeve, and there, touching one another with this or that finger, or with such a particular joint of it, will transact affairs of the greatest value, without speaking to one another, or letting the standers by into the sect." Shaw's Travels in Barbary, p. 267.

nothing of oriental magnificence."[1] Those of the poor, even in towns, are built of mud, sometimes of brick, and thatched. "Brahmens and religious people plaster the pavement, and sometimes the walls, with cow-dung; and although this act proceeds from a spirit of religion, yet it is of use in keeping out insects."[2] The furniture, which is almost nothing in the houses of the poor, is in the highest degree scanty and simple even in those of the rich. Mats or carpets for the floor, on which they are accustomed both to sit and to lie, with a few earthen and other vessels for the preparation of their victuals and for their religious ceremonies, form the inventory in general of their household goods.[3]

From the frequency and care with which the Hindus perform religious ablutions, the Europeans, prone from partial appearances to draw flattering conclusions, painted them, at first, as in the colours of so many other virtues, so likewise in those of cleanliness. Few nations are surpassed by the Hindus, in the total want of physical purity, in their streets, houses, and persons. Mr. Forster, whose long residence in India, and knowledge of the country, render him an excellent witness, says of the narrow streets of Benares; "In addition to the pernicious effect which must proceed from a confined atmosphere, there is, in the hot

1 Sonnerat, Voyages, liv. iii. chap. i.

2 Sonnerat, Ibid.; Fryer's Travels, let. iv. chap. 6.

3 P. Paulini, Voy. Indes Orient. liv. i. ch. 7. Fryer, who represents the houses of the Moors, or Mussulmen, at Surat, as not deficient even in a sort of magnificence, says, humorously, that "the Banyans" (Hindu merchants, often extremely rich) "for the most part live in humble cells or sheds, crowding three or four families together into an hovel, with goats, cows, and calves, all chamber fellows, that they are almost poisoned with vermin and nastiness; so stupid, that, notwithstanding chints, fleas, and musketoes, torment them every minute, dare not presume to scratch when it itches, lest some relation should be untenanted from its miserable abode." Fryer's Travels, let. iii. chap. i.

BOOK II. CHAP. 7. season, an intolerable stench arising from the many pieces of stagnated water dispersed in different quarters of the town. The filth also which is indiscriminately thrown into the streets, and there left exposed, (for the Hindus possess but a small portion of general cleanliness) add to the compound of ill smells so offensive to the European inhabitants of this city."[1] Dr. Buchanan informs us, that "the earthen pots in which the Hindus boil their milk, are in general so nasty, that after this operation no part of the produce of the dairy is tolerable to Europeans, and whatever they use their own servants must prepare."[2] "The Hindoo," says Mr. Scott Waring, "who bathes constantly in the Ganges, and whose heart equals in purity the whiteness of his vest, will allow this same white robe to drop nearly off with filth before he thinks of changing it. Histories, composed in the closet, of the manners of extensive nations may possess every beauty; for as *facts* do not restrain the imagination, nor impose rules on poetic license, the fancy of the historian enjoys an uninterrupted range in the regions of fiction."[3]

[1] Forster's Travels, i. 32. Of Lucknow too, he remarks, the streets are narrow, uneven, and almost choaked up with every species of filth. Ibid. p. 82. Speaking of Serinagur, he says, "The streets are choaked with the filth of the inhabitants, who are proverbially unclean." Ibid. See to the same purpose, Rennel's Description of an Indian Town, Memoir, p. 58.

[2] Buchanan's Journey through Mysore, &c. ii. 14. He remarks, too, iii. 341, that the unwholesomeness of the water in many places is, "in part, to be attributed to the common nastiness of the Hindus, who wash their clothes, bodies, and cattle, in the very tanks or wells from which they take their own drink; and, wherever the water is scanty, it becomes from this cause extremely disgusting to a European."

[3] Tour to Sheeraz, by Ed. Scott Waring, p. 59, note.—"Their nastiness," says Dr. Buchanan, "is disgusting; very few of the inhabitants above the Ghats being free from the itch; and their linen, being almost always dyed, is seldom washed." Travels through Mysore, &c. i. 135.—See, too, Capt. Hardwicke, Asiat. Res. vi. 330. The authors of the

To a superficial view, it appears surprising that overstrained sentiments in regard to the ceremonial of behaviour are a mark of the uncivilized state of the human mind. The period when men have but just emerged from barbarism, and have made the first feeble steps in improvement, is the period at which formalities in the intercourse of social life are the most remarkably multiplied, at which the importance attached to them is the greatest, and at which the nice observance of them is the most rigidly exacted. In modern Europe, as manners have refined, and knowledge improved, we have thrown off the punctilious ceremonies which constituted the fine breeding of our ancestors; and adopted more and more of simplicity in the forms of intercourse. Among the inhabitants of Hindustan, the formalities of behaviour are multiplied to excess; and the most important bonds of society are hardly objects of greater reverence.[1] Some of their rules breathe that spirit of benevolence, and of respect for the weak, which begins to show

Universal History describe with pure and picturesque simplicity one pretty remarkable custom of the Hindus. "The women scruple no more than the men to do their occasions in the public streets or highways: for which purpose at sun-rise and sun-set, they go out in droves to some dead wall, if in the city; and in case any pass by in the interim, they turn their bare backsides on them, but hide their faces. When they have done their business, they wash their parts with the left hand, because they eat with the right. The men, who exonerate apart from the women, squat like them when they make water. Although their food is nothing but vegetables concocted with fair water, yet they leave such a stink behind them, that it is but ill taking the air, either in the streets, or without the towns, near the rivers and ditches." vi. 265. Yet these authors, with the same breath, assure us that the Hindus are a cleanly people, because, and this is their sole reason, they wash before and after meals, and leave no hair on their bodies. Ibid. See to the same purpose, Fryer's Travels, let. iv. chap. vi.

[1] See a curious description of the excess to which the minute frivolities of behaviour are carried both among the Moors and Hindus, by Mr. Orme, on the Government and People of Indostan, pp. 425 and 431. See, also, Laws of Menu, ch. ii. 120 to 139.

BOOK II. CHAP. 7.

itself partially at an early period of society, and still wants much of its proper strength at a late one. The distinctions of giving way on the road are thus marked in the Gentoo code; a man with sight, to a man blind; a man with hearing to a man deaf; a man to a woman; a man empty-handed to a man with a burthen; an inferior person to a superior; a man in health to a sick person; and all persons to a Brahmen.[1] Not a few of their rules bear curious testimony to the unpolished state of society in which they were prescribed. "If a man," says one of their laws, "having accepted another's invitation, doth not eat at his house, then he shall be obliged to make good all the expense that was incurred in consequence of the invitation."[2] When a Hindu gives an entertainment, he seats himself in the place of greatest distinction; and all the most delicate and costly of the viands are placed before him. The company sit according to their quality, the inferior sort at the greatest distance from the master; each eating of those dishes only which are placed before him, and they continually decreasing in fineness, as they approach the place of the lowest of the guests.[3]

The attachment which the Hindus, in common with all ignorant nations, bear to astrology, is a part of their manners exerting a strong influence upon the train of their actions. "The Hindus of the present age," says a partial observer, "do not undertake any affair of consequence without consulting their astrologers, who are always Brahmens."[4] The belief of

[1] Gentoo Code, ch. xxi. sect. 10. [2] Ibid.

[3] Tennant's Indian Recreations, i. 254.

[4] Wilkins' Hetopadesa, note, p. 269. The unceremonious Fryer says, the principal science of the Brahmen is magic and astrology. Travels, let. iv. chap. vi. Of the astonishing degree to which the Indians of all descriptions are devoted to astrology, see a lively description by Bernier,

witchcraft and sorcery continues universally prevalent; and is every day the cause of the greatest enormities. It not unfrequently happens that Brahmens, tried for murder before the English judges, assign as their motive to the crime, that the murdered individual had enchanted them. No fewer than five unhappy persons in one district were tried and executed for witchcraft, so late as the year 1792. The villagers themselves assume the right of sitting in judgment on this imaginary offence; and their sole instruments of proof are the most wretched of all incantations. Branches of the Saul tree, for example, one for each of the suspected individuals, inscribed with her name. are planted in water. If any of them withers within a certain time, the devoted female, whose name it bears, suffers death as a witch.[1]

Suite des Memoires sur l'Empire de Grand Mogol, i. 12 à 14. "Les rois, et les seigneurs," says he, "qui n'entreprendroient la moindre chose qu'ils n'eussent consultez les astrologues, leur donnent de grands appointments pour lire ce qui est ecrit dans le ciel." Ibid. "The savages," says Mallet, (Introd. to the Hist. of Denmark, i. ch. i.) "whom the Danes have found on the coast of Greenland, live with great union and tranquillity. They are neither quarrelsome, nor mischievous, nor warlike; being greatly afraid of those that are. Theft, blows, and murder, are almost unknown to them. They are chaste before marriage, and love their children tenderly. Their simplicity hath not been able to preserve them from having priests, who pass among them for enchanters; and are in truth very great and dexterous cheats."

[1] See an account of this shocking part of the manners of the Hindus in the Asiat. An. Regist. for 1801, Miscellaneous Tracts, p. 91.

NOTES.

NOTE A. p. 286.

"5. THIS *universe* existed only *in the first divine idea yet unexpanded, as if involved* in darkness, imperceptible, undefinable, undiscoverable *by reason, and* undiscovered *by revelation*, as if it were wholly immersed in sleep:

"6. Then the *sole* self-existing power, himself undiscerned, but making this world discernible, with five elements and other principles *of nature*, appeared with undiminished glory, *expanding his idea, or* dispelling the gloom.

"7. He, whom the mind alone can perceive, whose essence eludes the external organs, who has no visible parts, who exists from eternity, even he, the soul of all beings, whom no being can comprehend, shone forth in person.

"8. He, having willed to produce various beings from his own divine substance, first with a thought created the waters, and placed in them a productive seed:

"9. The *seed* became an egg bright as gold, blazing like the luminary with a thousand beams: and in that egg he was born himself, *in the form of* BRAHMA, the great forefather of all spirits.

"10. The waters are called *nara*, because they were the production of NARA, *or the Spirit of God;* and, since they were his first *ayana, or place of motion*, he thence is named NARAYANA, *or moving on the waters.*

"11. From THAT WHICH IS, the first cause, not the object of sense, existing *every where in substance*, not existing *to our perception*, without beginning or end, was produced the divine male, famed in all worlds under the appellation of BRAHMA.

"12. In that egg the great power sat inactive a whole year *of the Creator*, at the close of which, by his thought alone, he caused the egg to divide itself;

"13. And from its two divisions he framed the heaven *above*

and the earth *beneath:* in the midst *he placed* the subtil ether, the eight regions, and the permanent receptacle of waters.

"14. From the supreme soul he drew forth mind, existing substantially though unperceived by sense, immaterial; and *before mind, or the reasoning power, he produced* consciousness, the internal monitor, the ruler;

"15. And, *before them both*, he produced the great *principle of the soul, or first expansion of the divine idea;* and all vital forms endued with the three qualities of *goodness, passion, and darkness;* and the *five* perceptions of sense, and the five organs of sensation.

"16. *Thus*, having at once pervaded, with emanations from the Supreme Spirit, the minutest portions of six principles immensely operative, consciousness and the five preceptions, he framed all creatures;

"17. And since the minutest particles of visible nature have a dependence on those *six* emanations from God, the wise have accordingly given the name of *sarira or depending on six, that is, the ten organs on consciousness, and the five elements on as many perceptions*, to his *image or* appearance in visible nature.

"18. Thence proceed the great elements endued with peculiar powers, and mind with operations infinitely subtil, the unperishable cause of all apparent forms.

"19. This *universe*, therefore, is compacted from the minute portions of those seven divine and active principles, *the great soul, or first emanation, consciousness, and five perceptions; a* mutable *universe* from immutable *ideas*.

"20. Among them each succeeding element acquires the quality of the preceding; and, in as many degrees as each of them is advanced, with so many properties is it said to be endued.

"21. He too first assigned to all creatures distinct names, distinct acts, and distinct occupations; as they had been revealed in the pre-existing *Veda*.

"22. He, the supreme ruler, created an assemblage of inferior deities, with divine attributes and pure souls; and a number of genii exquisitely delicate; and he *prescribed* the sacrifice ordained from the beginning.

"23. From fire, from air, and from the sun he milked out, *as it were*, the three primordial *Vedas*, named *Rich, Yajush, and Saman*, for the due performance of the sacrifice.

"24. He gave being to time and the divisions of time, to the stars also, and to the planets, to rivers, oceans, and mountains, to level plains, and uneven valleys.

"25. To devotion, speech, complacency, desire, and wrath, and to the creation, which shall presently be mentioned; for he willed the existence of all those created things.

"26. For the sake of distinguishing actions, he made a total difference between right and wrong, and enured these sentient creatures to pleasure and pain, *cold and heat*, and other opposite pairs.

"27. With very minute transformable portions, called *matras*, of the five elements, all this perceptible world was composed in fit order;

"28. And in whatever occupation the supreme lord first employed any vital soul, to that occupation the same soul attaches itself spontaneously, when it receives a new body again and again:

"29. Whatever quality, noxious or innocent, harsh or mild, unjust or just, false or true, he conferred on any being at its creation, the same quality enters it of course *on its future births*;

"30. As the *six* seasons of the year attain respectively their peculiar marks in due time, and of their own accord, even so the several acts of each embodied spirit *attend it naturally*.

"31. That the human race might be multiplied, he caused the *Brahmen*, the *Cshatriya*, the *Vaisya*, and the *Sudra* (so named from the *scripture*, *protection*, *wealth*, *and labour*) to proceed from his mouth, his arm, his thigh, and his foot.

"32. Having divided his own substance, the mighty Power became half male, half female, *or nature active and passive*; and from that female he produced VIRAJ:

"33. Know me, O most excellent of BRAHMENS, to be that person, whom the male *power* VIRAJ, having performed austere devotion, produced by himself; me, the *secondary* framer of all this *visible world*.

"34. It was I, who, desirous of giving birth to a race of men, performed very difficult religious duties, and first produced ten lords of created being, eminent in holiness,

"35. Marichi, Atri, Angeras, Pulastya, Pulaha, Cratu, Prachetas, or Dacsha, Vasishtha, Bhrigu, and Narada:

"36. They, abundant in glory, produced seven other *Menus*, together with deities, and in the mansions of deities, and *Maharshis*, or great Sages, unlimited in power.

"37. Benevolent genii, and fierce giants, blood-thirsty savages, heavenly quiristers, nymphs and demons, huge serpents, and snakes of smaller size, birds of mighty wing, and separate companies of *Pitris*, or progenitors of mankind;

"38. Lightnings and thunder-bolts, clouds and coloured bows of *Indra*, falling meteors, earth-rending vapours, comets, and luminaries of various degrees;

"39. Horse-faced sylvans, apes, fish, and a variety of birds, tame cattle, deer, men, and ravenous beasts with two rows of teeth;

"40. Small and large reptiles, moths, lice, fleas, and common flies, with every biting gnat, and immoveable substances of distinct sorts." (Instit. of Menu, ch. 1.)

Such is the account of the creation which is contained in one of the principal standards of Hindu faith; such is one of the chief documents from which we can draw precise ideas respecting the religious principles of the Hindus. The darkness, the vagueness, and the confusion, which reign in it, need not be remarked; for by these the Hindu mythology is throughout distinguished. The first of the propositions, as it now stands, can be adequately designated only by the familiar appellative, nonsense; the ideas are heterogeneous, and imcompatible. "This universe" it is said, "existed only *in the first divine idea.*" When any thing is said to exist in idea, the meaning is, that it is conceived by the mind, or, in common language, that it is an idea in the mind. This universe then, according to the above passage, was conceived by the divine mind before it was actually produced, or, in other words, it was an idea in the divine mind. This idea existed in the divine mind, "yet unexpanded." But what are we to understand by an idea in the divine mind "unexpanded?" In regard to human thought an idea may be said to be unexpanded, when something is conceived very generally and obscurely; and it may be said to be expanded when the thing is conceived minutely, distinctly, and in all its parts. Are we then to understand by the idea of the universe being unexpanded in the divine mind, that the universe was conceived by it only generally, obscurely, indistinctly, and that it was not till creation was actually performed, that the divine idea was clear, full, and precise? How infinitely removed is this from the sublime conception which we entertain of the Divine Being; to whose thoughts all his works past, present, and to come, and every thing in the universe from eternity to eternity, are present always, essentially, perfectly, in all their parts, properties, and relations! This divine idea is still farther described: it existed "as if involved in darkness." When an idea is involved in darkness, it is an idea not perfectly understood; an apprehension only compatible with the most imperfect notions of the divine nature. It existed "imper-

ceptible." If this means by the senses, all ideas are imperceptible; if it means by the mind, it is impossible, for the very essence of an idea consists in its being perceived by the mind. It existed "undefinable, undiscoverable by reason, undiscovered by revelation, as if it were wholly immersed in sleep." What sort of an idea could that be in the divine mind which the divine mind could not define, that mind by which it was formed? If the meaning be, that it could not be defined by any other mind; neither can the idea, not yet expressed which exists in the mind of the most foolish of men. "Not discoverable by reason;" does this mean that the divine reason did not discover the divine idea; or does *it* mean that human reason could not discover it? An idea in the mind of another being is not discoverable to man by reason, but by enunciation. The last expression is the most extraordinary; "as if immersed in sleep:" "an idea immersed in sleep!" An idea too in the divine mind immersed in sleep! What notion can be formed of this?

But it must be explained that this incoherence and absurdity is not the work of Menu, or of the author, whoever he was, of the treatise which goes by his name. It is a common plan in India, for a commentator who is explaining a book, to insert between the words of the text such expressions as to him appear necessary to render the sense of the author clear and distinct. This has been done by a commentator of the name of Culluca, in regard to the ordinances of Menu; and his gloss or commentary, interworded with the text, Sir William Jones has translated along with his author. As he has, very judiciously, however, printed the interwoven expressions of the commentator in italics, it is easy for the reader to separate them, and to behold the sense of the original unadulterated. According to this expedient, the words of Menu appear thus: "This existed only in darkness, imperceptible, undefinable, undiscoverable, undiscovered, as if it were wholly immersed in sleep." It seems remarkably the genius of the ancient Sanscrit writings to be elliptical, and the adjective pronouns especially are very frequently used without a substantive. "This," in the passage which we are now examining, is in that situation. The mind of the reader is left to supply the word which the sense of the context demands. This—every thing; this—whole; this—universe; such is the manner in which the mind easily here suggests the requisite idea; and when this is done, the incoherence and absurdity which the supplement of Culluca engendered, is entirely dispelled. The passage presents clearly, and unambiguously, a description, a very vague and unmeaning

description, it must be owned, of that chaos of which the Greeks and Romans drew so striking and awful a picture, and of which the belief appears to have been so widely and generally diffused. The notion which Culluca endeavoured to engraft, is remarkable. It is no other than the celebrated Platonic principle of the pre-existence of all things in the divine mind, which Culluca, it is evident, neither understood nor could apply, and with which he made such havoc on the genuine sense of his author. It is probable that he borrowed the idea from some foreign source, that it pleased him as preferable to the more rude conception of a chaos, and that he resolved, according to the invariable rule of the Brahmens, to give his own order the credit of it, by incorporating it with the doctrines of the sacred authors.

There is a remarkable coincidence, and there is a remarkable discrepancy, between this passage in the Institutes of Menu, and the following at the beginning of the book of Genesis: "In the beginning God created the heaven and the earth. And the earth was without form and void, and darkness was upon the face of the deep." The coincidence appears in the chaotic description here applied to the earth; the discrepancy consists in this, that the Jewish legislator informs us of the previous creation of the shapeless mass, the Hindu legislator describes it as antecedent to all creation.

This chaos, this universe, then, in its dark, imperceptible, undefinable state, existed, according to Menu, antecedent to creation. This too was the idea of the Greeks and Romans, who thence believed in the eternity of matter. It is doubtful, from the extreme vagueness of the Hindu language, whether they had carried their thoughts so far as to conceive the question respecting the origin of matter; but as its eternity is implied in several of their doctrines, so it appears to be recognized in some of their expressions. It appears, indeed, that they were unable to make any clear distinction between matter and spirit, but rather considered the latter to be some extraordinary refinement of the former. Thus even the Divine Being, though they called him soul, and spirit, they certainly regarded as material. In the passage already quoted, it is said, "that he willed to produce various beings from *his own divine substance*." Now what can be meant by substance, if not material substance? Besides, from material substance alone can material beings be produced. But the first thing which we are told was produced from the divine substance, was water. It is worth remarking, at the same time, that in other places water appears to be spoken of as uncreated, and as the material out of which all other things

were produced. A passage describing the creation, translated from the Yajur Veda by Mr. Colebrooke, commences thus: "Waters alone there were; this world originally was water. In it the lord of creation moved, having become air." [Asiat. Res. viii. 452.]

NOTE B. p. 289.

Another and a very remarkable account of the creation of living creatures is found in the Vedas, and translated by Mr. Colebrooke. "This variety of forms was, before the production of body, soul, bearing a human shape. Next, looking round, that primeval Being saw nothing but himself; and he first said, *I am I.* Therefore his name was I: and thence even now, when called, a man first answers, *it is I*, and then declares any other name which appertains to him.—Since he, being anterior to all this which seeks supremacy, did consume by fire all sinful obstacles to his own supremacy, therefore does the man, who knows this truth, overcome him, who seeks to be before him.—He felt dread; and, therefore, man fears, when alone. But he reflected 'Since nothing exists besides myself, why should I fear?' Thus his terror departed from him; for what should he dread, since fear must be of another?—He felt not delight; and, therefore, man delights not when alone. He wished the existence of another; and instantly he became such as is man and woman in mutual embrace. He caused this his own self to fall in twain; and thus became a husband and a wife. Therefore was this body, so separated, as it were an imperfect moiety of himself: for so Yajnyawalcya has pronounced it. This blank, therefore, is completed by woman. He approached her; and thence were human beings produced.—She reflected, doubtingly; How can he, having produced me from himself, incestuously approach me? I will now assume a disguise. She became a cow; and the other became a bull and approached her; and the issue were kine. She was changed into a mare, and he into a stallion; one was turned into a female ass, and the other into a male one: thus did he again approach her, and the one-hoofed kind was the offspring. She became a female goat, and he a male one; she was an ewe, and he a ram: thus he approached her, and goats and sheep were the progeny. In this manner, did he create every existing pair whatsoever, even to the ants and minutest insect." See a curious Discourse of Mr. Colebrooke on the Vedas, or Sacred Writings of the Hindus, Asiat. Research. viii. 440, 441.

NOTE C. p. 341.

DAILY CEREMONIES OF THE BRAHMENS.

As he rises from sleep, a Brahmen must rub his teeth with a proper withe, or a twig of the racimeferous fig tree, repeating prayers. Should this sacred duty be omitted, so great a sin is incurred, that the benefit is lost of all religious rites performed by him. The next circumstance of importance is, the deposit of the withe after it has done its office. It must be carefully thrown away in a place free from impurities; that is, where none of those religious stains, which are so multiplied among the Hindus, and must infect so many places, have been imprinted. When the business of the teeth and of the twig is accomplished, ablution next engages the attention of the Brahmen. The duty of the bath, particularly in the months of Magha, Pholgima, and Cartica, is no less efficacious than a rigid penance for the expiation of sin. Standing in a river, or in other water, the worshipper, sipping water, which is a requisite preliminary to all rites, and sprinkling it before him, recites inaudibly the gayatri, or holiest text of the Veda, with the names of the seven worlds. He next throws water eight times on his head, or towards the sky, and at last upon the ground, to destroy the demons who wage war with the gods, reciting prayers, of which the first may be received as a specimen: "O waters, since ye afford us delight, grant us present happiness, and the rapturous sight of the supreme God." When these ceremonies and prayers are performed, he plunges three times into the water, and each time repeats the expiatory text which recites the creation, and having then washed his mantle, the morning ablution is finished. If he is an householder, it is his duty to bathe again at noon, and if he belongs to an order of devotion, both at noon and in the evening, with ceremonies, differing somewhat in the words and forms, but the same in spirit and substance.[1]

An important part of the worship of the Brahmen then succeeds. Coming out of the water, and putting on his mantle, he sits down to worship the rising sun. This great duty is performed by first tying the lock of hair on the crown of his head, while he holds much cusa grass in his left hand, and three blades of it in his right, or wears a ring of it on the third finger of that hand, re-

[1] Colebrooke on the Religious Ceremonies of the Hindus, Asiat. Research. v. 345, 346.